

Columbus, Ohio; Chicago, Ill.; Poughkeepsie, N. Y.; Greenfield, Ohio; Troy, N. Y.—to the Committee on Rules.

By Mr. LAMB: Paper to accompany bill for relief of Robert Michaels—to the Committee on War Claims.

By Mr. LEE: Paper to accompany bill for relief of John E. Herrod—to the Committee on War Claims.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Newton Isbell—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of estate of Sarah Pewitt, late of Williamson County, Tenn.—to the Committee on War Claims.

Also, paper to accompany bill for relief of D. M. Taylor, administrator of the estate of Sallie Roane, late of Maury County, Tenn.—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of L. B. Frost, late of Williamson County, Tenn.—to the Committee on War Claims.

By Mr. VREELAND: Petition of 42,000 women of Federation of Women's Clubs at St. Paul, Minn., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wellsville, Jamestown, and Celoron, N. Y., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

SENATE.

TUESDAY, June 5, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM KANSAS.

The VICE-PRESIDENT laid before the Senate the following telegram; which was read, and ordered to lie on the table:

[Telegram.]

TOPEKA, KANS., June 4, 1906.

HON. CHARLES W. FAIRBANKS,

Vice-President of the United States, Washington, D. C.:

Hon. J. R. BURTON has this day tendered his resignation as United States Senator from Kansas, and I have accepted the same.

E. W. HOCH, Governor of Kansas.

FRENCH SPOILATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Jason*, Edward Smith, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, transmitted to the Senate the resolutions of the House on the death of Hon. ARTHUR PUE GORMAN, late a Senator from the State of Maryland.

The message also announced that the Speaker of the House had appointed Mr. J. FRED C. TALBOTT, Mr. JOHN GILL, Jr.; Mr. THOMAS A. SMITH, of Maryland; Mr. SYDNEY E. MUDD, Mr. FRANK C. WACHTER, Mr. GEORGE A. PEARRE, Mr. JOHN S. WILLIAMS, Mr. LEONIDAS F. LIVINGSTON, Mr. THOMAS B. DAVIS, of West Virginia; Mr. SAMUEL M. ROBERTSON, Mr. JOHN A. MOON, of Tennessee; Mr. JOHN H. STEPHENS, of Texas; Mr. C. L. BARTLETT, Mr. J. W. BABCOCK, Mr. THEODORE E. BURTON, of Ohio; Mr. JAMES M. GRIGGS, and Mr. JOHN F. RIXEY, members of the committee on the part of the House to attend the funeral.

The message further announced that the House had passed the following bills and joint resolution:

S. 86. An act for the erection of a monument to the memory of John Barry;

S. 685. An act for the erection of a monument to the memory of John Paul Jones; and

S. R. 20. Joint resolution providing for the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow.

The message also announced that the House had passed the following bills and joint resolution with amendments; in which it requested the concurrence of the Senate:

S. 333. An act in regard to a monumental column to the memory of the battle of Princeton and appropriating \$30,000 therefor;

S. 4370. An act to appropriate the sum of \$40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact; and

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 17335. An act creating a United States district court for China and prescribing the jurisdiction thereof;

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.; and

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 1243. An act providing for compulsory education in the District of Columbia;

S. 5561. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901;

H. R. 5539. An act for the relief of the State of Rhode Island;

H. R. 12064. An act to amend section 7 of an act entitled "An act to provide for a permanent census office," approved March 6, 1902;

H. R. 12135. An act granting an increase of pension to William Laudahn;

H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;

H. R. 13787. An act granting an increase of pension to Malcolm Ray;

H. R. 14513. An act to prevent the giving of false alarms of fires in the District of Columbia;

H. R. 15266. An act to amend existing laws relating to the fortification of pure sweet wines;

H. R. 15869. An act granting an increase of pension to William H. McCune;

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 17072. An act granting an increase of pension to Joseph French;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington;

H. R. 17453. An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials; and

H. R. 18333. An act granting land to the city of Albuquerque for public purposes.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. The Chair presents the memorial of H. R. Fuller, legislative representative of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, remonstrating against the adoption of that part of the report of the committee of conference on the railroad rate bill which prevents the issuance by common carriers of passes to railroad employees and their families.

Mr. CARTER. I ask unanimous consent that the memorial be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial.

Mr. LA FOLLETTE. Mr. President, I will add to the request of the Senator from Montana the request that the memorial be printed as a document.

The Secretary read the memorial, as follows:

H. R. FULLER,

206 Delaware avenue NE., Washington, D. C., June 4, 1906.

Hon. CHARLES W. FAIRBANKS,

President of the Senate, Washington, D. C.

SIR: I am authorized on behalf of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, representing in all 230,000 railroad employees of the United States, to respectfully protest against the adoption of that part of the report of the committee of conference on the railroad rate bill (H. R. 12987) which prevents the issuance by common carriers of passes to railroad employees and their families.

In view of the absolute necessity to at times deadhead men over various parts of the road, the passage of such a law would greatly impede the operation of a railroad, to say nothing of the extra expense, inconvenience, and hardship it would impose upon the employees.

There are many cases where the runs of train and engine men terminate at other than their home stations. This is especially true as regards local, way-freight, and work-train runs, and it is now the practice of many roads to issue free transportation to these men in order that they may spend their nights and Sundays at home. The passage of the provision in question would require these men to spend their nights and Sundays away from home, for the reason that they could not afford to pay transportation back and forth.

It is also a fact that a very large number of the shop and office forces of many railroads whose headquarters are in the large cities of necessity live in suburban towns along the road, and they are given free transportation back and forth to their work.

It is also true that a large number of crippled employees are receiving passes under agreements with the roads as a condition of their settlement, and for Congress to now declare these contracts void would not only be a lack of humane consideration for these men, many of whom have been distressingly injured in what is regarded as a public service, but it would also be legally wrong.

As to the families of employees: The contractual relations now existing between many roads and their men provide in certain cases for transportation for employees, their families, and household goods. This is regarded as a consideration or a part of the compensation for the services performed.

The passage of this provision would in some cases prevent the wife or family of an injured employee from reaching his bedside because of their lack of means of transportation.

That Congress will pass such a law after knowing its effect we can not believe.

Respectfully submitted.

H. R. FULLER,

Legislative Representative.

The VICE-PRESIDENT. The memorial will lie on the table. Is there objection to printing it as a document?

Mr. HALE. I rise to a question of the order of business.

The VICE-PRESIDENT. Does the Senator from Maine object to printing the memorial as a document?

Mr. HALE. Not at all. I want to make a statement while the Senate is full.

The VICE-PRESIDENT. Without objection, it is so ordered.

BUSINESS OF THE SESSION.

Mr. HALE. At the end of the routine morning business I shall ask the Senate to proceed to the consideration of the naval appropriation bill, and in order that Senators may see how the business of the Senate stands I take this occasion to give a list of the appropriation bills which have not yet been touched by the Senate:

The naval appropriation bill, the District of Columbia appropriation bill, the diplomatic and consular appropriation bill, the great sundry civil appropriation bill (carrying nearly \$100,000,000), the general deficiency appropriation bill, and the public-building bill—six appropriation bills that have as yet been untouched by the Senate as a body. I wish Senators to appreciate the importance of action on appropriation bills, if we are to adjourn, as I think everyone here desires that we shall during this month. There are after to-day only twenty-two working days in the month.

It being so important that these bills should be passed here and sent to the House for consideration, I hope the Senate will this morning, at the end of the routine morning business, take up the naval appropriation bill rather than either of the conference reports. I do not belittle the importance of the conference reports and the interest that the public has in them, but a conference report is already in its last stages; it can come up at any time and can not take much time between the two Houses. The appropriation bills, as I have indicated, are entirely different.

We are all interested, if we are to get through in the twenty-two working days, that the appropriation bills shall as fast as they are ready be acted upon here and sent over to the House for its action, so that the general business may be expedited and we may be enabled to adjourn finally in the very last days of this month. I do not hope that we can do it before.

Mr. TILLMAN. Mr. President—

Mr. HALE. I should hope that instead of taking up any conference report at the end of the routine morning business, the Senate will, from these considerations which I have presented, and which all are as much interested in as I am, go on with the appropriation bill.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. I see no reason, unless there should be some discussion and opposition to the conference report on the rate bill, why it might not be disposed of in the morning hour. Has the Senator from Maine any assurance that if the conference reports are allowed to go over the naval appropriation bill will not lead to some discussion?

Mr. HALE. I do not think the naval appropriation bill, while a very important bill, and a large bill, will lead to much discussion. The committee, in its action, has robbed it of almost, if not all, of the contested items, and I do not expect that it will take very much time.

Mr. TILLMAN. I think there are one or two items in the naval appropriation bill that will excite some discussion and opposition.

Mr. HALE. There will undoubtedly be some discussion upon it. On the other hand, both the conference report on the rate bill and the conference report on the statehood bill will give rise to very considerable discussion. There is no doubt about that.

Mr. BURKETT. I should like to suggest to the Senator from Maine, who is on the Appropriations Committee and will realize the necessity of it, that the Committee on the District of Columbia has reported the bill pertaining to the school question here in the District. It has passed the House. I understand the Committee on Appropriations are anxious to have the bill disposed of so that the District of Columbia appropriation bill can be properly considered. The Committee on the District of Columbia is ready to take up the bill this morning. I do not think it will take a very long time, and inasmuch as the bill will have to go back to be considered by the House and will probably have to go into conference, it seems to me that we ought to take up that bill this morning and get it in shape for the Committee on Appropriations to act on the matter.

Mr. HALE. Half a dozen Senators have important measures which they have in charge, and which they think ought to pass. I have no doubt that they ought to be passed; but I do not think anything is so pressing as to take up the naval appropriation bill and get that out of the way. If the Senator can get his measure in before the District of Columbia appropriation bill comes up, that is another matter.

The whole matter, Mr. President, is with the Senate. If the Senate does not desire to take up first the naval appropriation bill—which is ready and which would have been taken up yesterday, but Senators know why it was that no business could be done, and the days are passing—the matter is entirely in the hands of the Senate. I shall, if the Chair recognizes me, move at the termination of the routine morning business, to take up the naval appropriation bill. That is the only thing that I can do. The whole thing rests with the Senate. I thought it advisable to state just what the condition of public business is. I leave it with the Senate.

Mr. FORAKER. Can the Senator give us any idea how much time the naval appropriation bill will consume?

Mr. PETTUS. Mr. President, I suggest that we ought to have some morning business transacted.

Mr. HALE. I do not object to the transaction of morning business.

The VICE-PRESIDENT. The Senator from Alabama calls for the regular order. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of sundry railroad men of Indiana; of A. L. Dunbar Lodge, No. 142, Brotherhood of Railroad Trainmen, of Meadville, Pa., and of New York City Division, No. 54, Order of Railway Conductors, remonstrating against the passage of the antipass amendment to the railroad rate bill to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. LODGE presented petitions of the publishers of the Leader, of Spencer; the Hibernian, of Boston; the Architectural Review, of Boston, and the Brookline Press, of Brookline, all in the State of Massachusetts, praying for the adoption of an amendment to the postal laws relating to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry railroad employees of Holyoke, Boston, South Braintree, and Greenfield, in the State of Massachusetts, and Indianapolis, Ind., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. FORAKER presented memorials of sundry citizens of Nelsonville, Lorain, Kent, Cleveland, Akron, Cincinnati, Crestline, East Toledo, Chillicothe, Lima, Toledo, Newark, Gallon, Massillon, Columbus, Steubenville, Portsmouth, Springfield, Alliance, Chicago Junction, Zanesville, Lima, and Bellefontaine, all in the State of Ohio, remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. FORAKER. I present for the Senator from Michigan [Mr. ALGER], who is unavoidably detained from the Senate, memorials of sundry railroad employees of Jackson, Gladstone, Escanaba, Owosso, and Detroit, all in the State of Michigan, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families. I move that the memorials lie on the table.

The motion was agreed to.

Mr. DICK presented memorials of sundry citizens of Lorain, Columbus, Lima, Zanesville, Alliance, Youngstown, Bellevue, Toledo, Cleveland, Kent, Conneaut, Chicago Junction, Springfield, Gallon, Nelsonville, Akron, Cincinnati, Newark Depot, Chillicothe, Crestline, Massillon, Middleport, and Steubenville, all in the State of Ohio; of Indianapolis, Ind.; Buffalo, N. Y.; Canandaigua, N. Y., and New York City, N. Y., remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KEAN presented memorials of sundry railroad employees of Atlantic, Hoboken, Jersey City, Trenton, and Hammonton, in the State of New Jersey, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also (for Mr. DRYDEN) presented memorials of sundry railroad employees of Atlantic City, Newark, Jersey City, Harrison, Hammonton, and Weehawken, all in the State of New Jersey, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also (for Mr. PLATT) presented memorials of sundry railroad employees of Canandaigua, Buffalo, Syracuse, Elmira, Corning, Oswego, Rochester, and Ravenna, all in the State of New York, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BURROWS presented memorials of sundry railroad employees of Escanaba, Calumet, Detroit, Soo, Marquette, Jackson, Gladstone, and Battle Creek, all in the State of Michigan; of Indianapolis, Ind., and Pittsburg, Pa., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. ELKINS presented petitions of 2,624 women of the State of West Virginia, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. SCOTT presented memorials of sundry railroad employees of Weston, Fairmont, Hinton, Parkersburg, Bluefield, Vivian, Williamson, Wheeling, and Grafton, all in the State of West Virginia, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CLARK of Wyoming presented memorials of sundry railroad employees of New Castle, Pa., Sidney, Nebr., and Evanston, Laramie, and Sheridan, all in the State of Wyoming, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. ANKENY presented memorials of sundry citizens of Spokane, Seattle, and Ellensburg, all in the State of Washington, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. ALLEE presented petitions of 1,097 women of the State of Delaware, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. BURNHAM presented memorials of sundry railroad em-

ployees of Concord, Lakeport, Woodsville, and Nashua, all in the State of New Hampshire, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. NELSON presented sundry memorials of railroad employees of the State of Minnesota, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented a memorial of the Retail Grocers and General Merchants' Association of Minnesota, remonstrating against the enactment of legislation providing for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McCUMBER presented a memorial of Fargo Division, No. 202, Brotherhood of Locomotive Engineers, of Mapleton, N. Dak., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. DOLLIVER presented memorials of sundry citizens of Burlington, Mason City, Creston, Clinton, Lockridge, Estherville, Ottumwa, Cherokee, Eagle Grove, Council Bluffs, Cedar Rapids, Des Moines, Sioux City, Boone, Perry, Oskaloosa, Valley Junction, Keokuk, Manilla, and Lake City, all in the State of Iowa, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. DILLINGHAM presented memorials of sundry citizens of Rutland and Newport, in the State of Vermont, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. SMOOT presented memorials of sundry railroad employees of Ogden, Utah, and of Indianapolis, Ind., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. SPOONER presented memorials of sundry railroad employees of La Crosse, Tomah, Milwaukee, Antigo, Channing, West Salem, Kaukauna, Madison, Greenbay, Peshtigo, all in the State of Wisconsin, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. PATTERSON presented memorials of sundry railroad employees of Denver, Grand Junction, and Salida, all in the State of Colorado, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MORGAN presented sundry memorials of 800 railroad employees of the State of Alabama, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MARTIN presented sundry memorials of railroad employees of the State of Virginia, remonstrating against the adoption of an amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. McCREARY. I present 178 telegraphic memorials of railroad employees of the State of Kentucky, remonstrating against the time-honored privilege being taken away from persons riding free on railroads on which they are employed, and also protesting vigorously against the proposed regulation which prohibits the issuance of passes to railroad employees and their families. I move that the memorials lie on the table.

The motion was agreed to.

Mr. DANIEL. Mr. President, I simply wish to state that a snow of telegrams has been coming to me, and I see, from indications at the desk, to other Senators, protesting against the drastic provision of the conference report prohibiting passes on railroads for their own employees. I hope that the matter may be taken up as soon as possible and disposed of.

Mr. CLARK of Montana presented memorials of sundry railroad employees of South Butte, Butte, Whitefish, and Havre, all in the State of Montana, remonstrating against the adoption of a certain amendment to the so-called railroad rate bill to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. OVERMAN. I desire to state, without encumbering the RECORD, that I have numerous telegrams from thousands of employees of railroads in my State, protesting against the conference report in reference to the pass amendment and protesting against being prohibited to have free transportation on railroads.

Mr. CULBERSON. I present telegraphic memorials of sundry railroad employees of Marshall and Hempstead, Tex., addressed to Mr. H. R. Fuller, who represents the employees' interests in this city, I understand, remonstrating against the adoption of the report of the committee of conference on the railroad rate bill in so far as it prohibits the issuance of passes to railroad employees and their families. I move that the memorials lie on the table.

The motion was agreed to.

Mr. SIMMONS presented memorials of sundry railroad employees of Charlotte, Highpoint, Asheville, and Salisbury, all in the State of North Carolina, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MONEY. I have received a number of these dispatches, one representing more than a thousand employees of the Illinois Central Railroad, but as they are sent to me and not to the Senate I have not filed them. However, I want to say that I am going to vote in accordance with the request of these employees of railroads for free passes for themselves and their families.

Mr. KNOX presented memorials of Lodge No. 703, Brotherhood of Railroad Trainmen, of Brownsville; Division No. 416, Order of Railway Conductors, of Reading; Lodge No. 593, Brotherhood of Railroad Trainmen, of Dubois; Lodge No. 462, Brotherhood of Railroad Trainmen, of Punxsutawney; Lodge No. 142, Brotherhood of Railroad Trainmen, of Meadville; Division No. 452, Brotherhood of Locomotive Engineers, of Downsville; Lodge No. 476, Brotherhood of Railroad Trainmen, of Pottsville; 73 members, Brotherhood of Railroad Trainmen, of Marysville; sundry citizens, of Berwyn; Brotherhood of Railroad Trainmen, of Grove City; Local Freight Agents' Association, of Allegheny; Lodge No. 157, Brotherhood of Railroad Trainmen, of Greenridge; Division No. 129, Order of Railway Clerks, of Hallstead; Lodge No. 565, Brotherhood of Locomotive Firemen, of New Castle; 870 members of Brotherhood of Railroad Trainmen, of Altoona; Lodge No. 8, Locomotive Firemen, of Connellsville; Division No. 10, Order of Railway Conductors, of Sayre; Brotherhood of Railroad Trainmen, of Hallstead; Lodge No. 75, Brotherhood of Locomotive Firemen, of Philadelphia; Brotherhood of Railroad Trainmen, of Park Place; Lodge No. 682, Brotherhood of Railroad Trainmen, of Lewistown; Lodge No. 435, Brotherhood of Railroad Trainmen, of Albion; Brotherhood of Locomotive Engineers, of Harrisburg; Order of Railway Conductors, of Harrisburg; Lodge No. 117, Brotherhood of Railroad Trainmen, of Columbia; Lodge No. 378, Brotherhood of Railroad Trainmen, of Butler; Brotherhood of Railroad Trainmen, of Conemaugh; Division No. 71, Brotherhood of Locomotive Engineers, of Philadelphia; Division No. 114, Order of Railroad Conductors, of Pittsburg; Freight Agents' Organization, Pittsburg Division, Pennsylvania Railroad, of Pittsburg; Lodge No. 277, Brotherhood of Railroad Trainmen, of Monongahela; Lodge No. 283, Brotherhood of Locomotive Firemen, of Hallstead; Division No. 305, Brotherhood of Locomotive Engineers, of Hallstead; Lodge No. 587, Brotherhood of Railroad Trainmen, of Philadelphia; Lodge No. 325, Brotherhood of Locomotive Engineers, of Wilkesburg; Lodge No. 149, Brotherhood of Railroad Trainmen, of Philadelphia; Lodge No. 587, Brotherhood of Railroad Trainmen, of West Philadelphia; Lodge No. 113, Brotherhood of Railroad Trainmen, of Philadelphia; Lodge No. 511, Brotherhood of Railroad Trainmen, of Philadelphia; Pennsylvania Railroad Young Men's Christian Association, Dubois; Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America, of Philadelphia; Lodge No. 363, Brotherhood of Railroad Trainmen, of Philadelphia, all in the State of Pennsylvania, and Brotherhood of Railroad Trainmen, of Chicago, Ill., remonstrating against the adoption of an amendment to the rate bill prohibiting the issuing of passes to railroad employees and members of their families; which were ordered to lie on the table.

Mr. DUBOIS presented memorials of sundry railroad employees of Pocatello and Montpelier, all in the State of Idaho, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BACON. I presume every Senator has received telegrams such as have been presented by a large number of Senators. I

will simply ask that there may be unanimous consent that Senators may present these telegrams at the desk without having permission in each instance to do so. I have myself a large number to which I will give that disposition if permitted by the Senate.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Georgia? The Chair hears none.

Mr. TILLMAN. Mr. President, under the rule which we adopted a week ago, every one of these telegrams can be filed with the Secretary and put into the RECORD, and the very object which every Senator has of giving publicity to the fact that he has received them and presented them will be accomplished in that way. We are losing some valuable time. I have not presented the numerous ones that came to me, because I expect to follow that course. After the avalanche began I did not feel willing to cut off those who felt constrained to adopt this method.

Mr. FORAKER. I hope the Senator will not insist upon the rule being followed, for that would suppress all knowledge of the popularity of this measure.

Mr. TILLMAN. So far as the popularity of it is concerned, it seems that there is a streak of yellow in the Senate rather than a streak of white this morning, and there must be a good many franks somewhere to send so many telegrams on this subject.

But without regard to that, and without defending the measure at all, because I am only in a manner responsible for it and am willing to bear the burden of the responsibility, I call attention to the fact that this provision does not go into effect until January next, and it does not obtain inside of a State; it governs only interstate traffic.

There is great hysteria—if I may so call it—in regard to this matter. I only hope Senators who are so anxious about relieving the employees—and I myself have always been willing to vote to give them free transportation—will not inundate us with requests for additional exceptions when we have this matter up again. That is the trouble now. It was because nearly every Senator here felt constrained the other day to offer an amendment enlarging the circle of exemptions until it practically covered all creation. We had to deal with it somehow in conference, and I preferred the proposed amendment rather than to do nothing, knowing that the Senate, in its own good time, and the House could next winter deliberately prepare some sane and reasonable and proper and just method for the control of this evil and adopt it in time to prevent any harm.

Mr. President, I believe conference reports are privileged, and I will ask that the conference report on the rate bill be laid before the Senate. I wish to make an explanation of the report.

Mr. MONEY. Before the Senator proceeds to that I hope, in view of the fact that he has mentioned that there were a good many franks around, he will allow me to say that every dispatch I have presented was paid.

Mr. CULLOM. Mr. President, I insist on the regular order, and that is the presentation of petitions.

Mr. TILLMAN. I do not want to cut off Senators from presenting petitions.

Mr. LODGE. The Senator can not. A conference report is not privileged now.

Mr. CULLOM. I hold in my hand a large number of dispatches on the rate question and the pass question. Most of them protest against the proposed interference with passes to employees of railroads and their families. This bunch of telegrams I have received since I came into the Senate a few minutes ago. I have a great number in my committee room and a good many at my house. I present these and ask that they be noted in the RECORD.

The telegrams were ordered to lie on the table and to be noted in the RECORD, as follows:

Memorial of Local Division No. 83, Order of Railway Conductors, of Galesburg, Ill.; memorial of Local Division No. 406, Order of Railway Conductors, of Monmouth, Ill.; memorial of Local Division, Order of Railway Conductors, of Freeport, Ill.; memorial of M. H. Butler, chief engineer, and James McElroy, freight assistant engineer, of Bloomington, Ill.; memorial of John J. McGorie, member of Railway Trainmen, of Chicago, Ill.; memorial of William V. Frie, member of Railway Trainmen, of Chicago, Ill.; memorial of G. W. Wincher, member of Railway Trainmen, of Chicago; memorial of John H. McGloon, of Chicago; memorial of George Hale, of Chicago; memorial of Jacob Ellgrass, of Chicago; memorial of John J. Toomey, of Chicago; memorial of Phillip E. Scantan, of Chicago; memorial of J. R. Dempster, of Decatur; memorial of George Shilling, of Decatur; memorial of S. E. Callahan, of Decatur; memorial of J. W. Braddock, of Decatur; memorial of H. J. Mitchell, of Indianapolis, Ind.; memorial of Local Division No. 81, Order of

Railway Conductors, of Beardstown; memorial of Local Lodge No. 350, Brotherhood of Locomotive Engineers, of Mattoon; memorial of E. J. Wilkins, of Decatur; memorial of Walter Romick, of Decatur; memorial of T. C. Russell, of Decatur; memorial of D. R. Talbott, of Decatur; memorial of E. E. Fair, of Decatur; memorial of J. F. Ryall, of Decatur; memorial of J. N. Edwards, of Decatur; memorial of J. B. Fosnaught, of Decatur; memorial of John Rodems, of Decatur; memorial of L. E. Fulmer, of Decatur; memorial of C. W. Schmigge, of Decatur; memorial of Albert W. Holmes, of Chicago; memorial of L. F. Kenerk, of Chicago; memorial of G. A. Menz, of Chicago; memorial of William J. Ricketts, of Chicago; memorial of Albert S. Lunt, of Chicago; memorial of Edward O'Keefe, of Chicago; memorial of M. J. Bazaret, of Chicago; memorial of John Mahon, of Chicago; memorial of Andrew Goyte, of Chicago; memorial of J. J. Thompson, of Chicago; memorial of C. M. Connelley, of Chicago; memorial of James Burke, of Chicago; memorial of Fred Barr, of San Antonio, Tex.; memorial of F. D. Johnson, of East St. Louis; memorial of Local Division No. 727, Brotherhood of Railroad Trainmen, of Venice; memorial of C. H. Everly, of Chicago; memorial of Local Division No. 458, Brotherhood of Locomotive Engineers, of Chicago; memorial of R. D. Beaver, of Centralia; memorial of E. C. Kramer, of East St. Louis; memorial of James McRea, of Pittsburgh, Pa.; memorial of G. J. McKinley, of Chicago; memorial of J. F. Roberts, of Mounds; memorial of J. W. Brant, of Decatur; memorial of G. B. Seitz, of Kankakee; memorial of Local Division No. 231, Brotherhood of Locomotive Engineers, of Chicago; memorial of H. C. Murphy, secretary of Railway Young Men's Christian Association, of Indianapolis, Ind.

Mr. CULLOM presented petitions of sundry citizens of Illinois, praying for the adoption of an amendment to the postal laws relating to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY. I present telegraphic memorials of sundry citizens of Hartford and New Haven, in the State of Connecticut, remonstrating against the adoption of a certain amendment to the so-called railroad rate bill to prohibit the issuance of passes to railroad employees and their families. I ask that the memorials lie on the table.

While I am on my feet I desire to say that this is the only expression in regard to the rate regulation of railways that I have received during the three months' discussion of this subject.

The VICE-PRESIDENT. The Chair will state that in the presentation of petitions under the rule debate is not in order. Petitions are submitted without debate. The memorials will lie on the table.

Mr. LA FOLLETTE. Without debate I present sundry telegraphic memorials of railroad employees of Green Bay, Kaukauna, La Crosse, and Madison, all in the State of Wisconsin, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families. I ask that the memorials lie on the table.

The VICE-PRESIDENT. The memorials will lie on the table.

Mr. BRANDEGEE presented memorials of sundry railroad employees of New Haven, Conn., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. BURKETT presented a petition of the Society of Friends, of Lincoln, Nebr., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry railroad employees of Chadron, Norfolk, and Beatrice, all in the State of Nebraska, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. LATIMER presented memorials of sundry railroad employees of Columbia, Blacksburg, Greenville, all in the State of South Carolina, remonstrating against the adoption of a certain amendment to the railroad rate bill to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. LONG presented memorials of sundry citizens of Parsons, Emporia, Chanute, Wichita, Herrington, Caldwell, Ellis, Neodesha, Fort Scott, Pittsburg, Dodge City, and Argentina, all in the State of Kansas, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. WARNER presented memorials of sundry citizens of Eldon, Kansas City, Milan, Slater, Monett, St. Joseph, Jefferson City, Brookfield, Sedalia, St. Louis, Laredo, Stanberry, Elmo, Trenton, and Bonnie Terre, all in the State of Missouri, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. SUTHERLAND presented memorials of sundry citizens of Ogden and Black Rock, in the State of Utah, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CARTER presented memorials of sundry railroad employees of South Butte, Havre, Butte, Whitefish, and Forsythe, all in the State of Montana, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. PILES presented memorials of sundry railroad employees of Spokane, Seattle, and Ellensburg, all in the State of Washington, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. MILLARD presented memorials of sundry railroad employees of Omaha, Chadron, and Lincoln, all in the State of Nebraska, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KITTREDGE presented memorials of sundry railroad employees of Huron and Aberdeen, S. Dak., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. HANSBROUGH presented memorials of sundry railroad employees of Minot and Larimore, N. Dak., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. WARREN presented memorials of sundry railroad employees of Laramie, Evanston, and Cheyenne, all in the State of Wyoming, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. RAYNER presented memorials of sundry railroad employees of Baltimore, Hagerstown, Brunswick, and Weyerton, all in the State of Maryland, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. HOPKINS presented memorials of sundry railroad employees of Chicago, Galesburg, Decatur, Freeport, Mounds, Centralia, Venice, Beardstown, East St. Louis, Danville, Springfield, Effingham, Rock Island, Aurora, Roodhouse, and Kankakee, all in the State of Illinois, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. PERKINS presented memorials of sundry citizens of San Francisco, San Jose, and Bakersfield, all in the State of California, remonstrating against the adoption of a certain amendment to the so-called "rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. ELKINS presented memorials of sundry railroad employees of Parkersburg, Grafton, Hinton, Lowell, Bluefield, Montgomery, and Williamson, all in the State of West Virginia, remonstrating against the adoption of a certain amendment to the so-called "rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. GAMBLE presented memorials of sundry railroad employees of Huron and Aberdeen, S. Dak.; of Sheridan, Wyo., and Sedalia, Mo., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. TILLMAN presented memorials of sundry railroad employees of Charleston, Chester, Bellevue, Seneca, Florence,

Gaffney, and Greenville, all in the State of South Carolina, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CRANE presented petitions of 12,243 women of the State of Massachusetts, praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. HALE presented a memorial of Local Division, Order of Railway Conductors, of Portland, Me., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. MCCREARY. Mr. President, my colleague [Mr. BLACKBURN] is necessarily absent from the Senate attending to his duties as a visitor at the United States Military Academy at West Point. I present for him certain telegrams protesting against that part of the railroad rate bill in regard to passes. I ask that the telegrams be received and laid upon the table.

The VICE-PRESIDENT. The memorials will be received and laid upon the table, in the absence of objection.

Mr. MONEY presented the affidavit of Lewis P. McCord to accompany the bill (S. 4594) for the relief of the estate of John T. McCord, deceased; which was referred to the Committee on Claims.

Mr. STONE presented petitions of Word and Works Publishing Company, St. Louis; E. C. Brokmeyer, editor Missouri State Republican, St. Louis; Horse Show Monthly Publishing Company, St. Louis; M. V. Carroll, Sedalia; T. M. Horne, Blackwater; William H. Reed, editor Insurance Leader, St. Louis; I. L. Page, Bonnetterre; Joe Burnett, New London; H. W. Beldins, St. Louis; J. D. Greer, editor Herald, Ladonia; B. F. Lusk, editor Herald, Jackson; A. C. Bledsoe, editor Truth, Hartsburg; H. A. Clay, editor Tribune, Ozark; Homer A. Brookhart, editor Advance, Collins; B. H. Cowgill, editor Sentinel, Lebanon; W. C. Price, editor Post, Princeton; C. M. Zeigle, editor Tribune, Buncheon; A. T. Burge, editor Record, Conway; O. A. Pelzer, editor Headlight, Illinois; Charles Ray, editor Democrat, Cassville; H. H. Mitchell, editor Republican, Booneville; Walter L. Bales, editor Democrat, Odessa; W. R. Randolph, editor Qui Vive, Waverly; Howard A. Gass, editor Missouri School Journal, Jefferson City; W. M. Barnum, editor Barnum's Midland Farmer, St. Louis; Wigginton & Conger, editors Bulletin, Linneus; Eppie L. Barber, editor Herald, Denver; J. S. Wood, editor Register, Elmo; S. B. Osborne, editor Press, Worthington; J. G. Coe, editor Jeffersonian, Higginsville; O. H. Scott, editor Record, Buffalo; J. L. McNabney, editor Republic, Southwest City, and W. W. Kearney, editor Independent, Lowry City, all in the State of Missouri, praying for the adoption of an amendment to the postal laws relating to newspaper subscriptions; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Council No. 26, United Commercial Travelers, of St. Louis, Mo., remonstrating against the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry railroad employees of Sedalia, St. Louis, Kansas City, Trenton, Brookfield, and Moberly, all in the State of Missouri, and Indianapolis, Ind., remonstrating against the adoption of a certain amendment to the so-called "railroad-rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. CLAPP presented memorials of sundry railroad employees of Montevideo, Melrose, Two Harbors, St. Paul, Minneapolis, Duluth, Waseca, Austin, and Breckenridge, all in the State of Minnesota, remonstrating against the adoption of a certain amendment to the so-called "railroad-rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

GRAIN INSPECTION.

Mr. CLAPP. I ask leave to file and to have printed in the RECORD a statement of the railroad and warehouse commission of Minnesota, in answer to the speech of the Senator from North Dakota [Mr. McCUMBER].

The VICE-PRESIDENT. Without objection, it is so ordered.

STATEMENT IN ANSWER TO THE CHARGES MADE BY SENATOR McCUMBER, IN HIS SPEECH IN THE UNITED STATES SENATE, MAY 25, 1906.

There seem to be five distinct charges made by the Senator:

First. That the chief inspector is appointed in the interests of the elevators; that he appoints his deputies, and that appeals go from the deputies to the chief inspector, and are almost uniformly affirmed.

Second. That there is a large increase in the amount of grain shipped

out to the amount weighed in. It is charged that in ten years the average was 26,000,000 bushels.

Third. That there was an excessive dockage.

Fourth. That a cargo of wheat known as "durum," "macaroni," or "rice" wheat was overgraded when it was shipped to a Mediterranean port. This charge is based upon a letter of H. T. Fowler, of the Alger-Fowler Company, of Superior, Wis.

Fifth. That a larger number of bushels of the higher grades is shipped out than is taken in.

The Senator is misinformed in regard to the manner of the appointment of the chief inspector and the machinery provided in this State for taking appeals.

The chief inspector is appointed by the railroad and warehouse commission, which, by law, has general supervision over the grain business in the State. He appoints his deputies with the approval of the commission. The grain-inspection force consists of a chief inspector, two chief deputy inspectors—one located at Minneapolis and the other at Duluth—and the business at these two terminal points is under the immediate control of the chief deputies located there, subject to the daily supervision of the chief inspector. There are two assistants, known as first and second assistants, at each point, and sufficient deputy and subdeputy inspectors at each terminal who, in the first instance, do the actual work of inspecting the grain.

Until within about a year ago the grain came into the railroad yards at Duluth, Superior, Wis., and Minneapolis. The deputy inspectors assigned to the different yards went to the cars, the helpers opened them, and the deputy inspectors made the inspection; this was done by the helper plunging each car a sufficient number of times, not less than three, with a sectional probe or trier, which brings to the surface a sample of the wheat from the top to the bottom of the car. These samples are all mixed together, and from the same thus obtained the grade is determined. The inspector is not informed from where the wheat comes, nor to whom it belongs, nor to what commission house it is shipped. The inspector has with him a sieve and testing kettle for the purpose of determining the weight of the wheat, and also to determine the amount of dockage, foul seed, etc., contained in the wheat. If in the judgment of the inspector the dockage is more than a pound and a half per bushel it is arrived at by careful test with scale and sieve.

Since the Wisconsin authorities have requested us to withdraw our inspection from Superior the inspection has been done at Cass Lake and Sandstone on the line of the Great Northern Railway; the samples have been gathered there by probing in the same manner as described heretofore, but have been sent to Duluth, and the inspection has actually been made by the inspectors at the office of the chief deputy inspector in Duluth.

The owner of the wheat always has a representative at the terminal point. Wheat is shipped to the terminal point either in care of the elevator owning it or to the commission merchant handling it, so the owner of all wheat has a representative to look after his interests. If the owner is not satisfied with the grade placed on the grain by the deputy inspector he is entitled to call for a reinspection; if the grade is sustained, he pays \$1 per car; if changed in any way, either dockage or grade, there is no charge. If he is dissatisfied with the reinspection, he still can appeal to what is known as the "board of grain appeals." This board is appointed by the governor, and is composed of three members in Duluth and three members in Minneapolis, not more than two of whom can belong to the same political party, and is separate and distinct from the inspection department; neither the chief inspector nor the railroad and warehouse commission has anything to say about the personnel of this board. The first board was appointed by Governor Lind in 1899, the second by Governor Van Sant in 1901, and the third by Governor Johnson in 1905. The grain is carefully examined by them, and when necessary sifted and tested for dockage the same as by the inspector and reinspector, and the grade placed by the appeal board upon this grain is final. The charge for an appeal is \$1.

The grain inspectors are promoted by the chief inspector from the subordinate position of helper, and a man generally works from three to five years in the position of helper, whose business it is to go with the inspectors, open the car door, do the plunging, thus getting familiar with the different grades and varieties of grain, and only receives this promotion after a careful and rigid examination.

Exhibit A is a statement showing the number of cars reinspected and appealed, and the results of such reinspection and appeal from September 1, 1899, to September 1, 1905. The total number of cars inspected was 1,563,294; cars reinspected, 176,892; cars changed on reinspection, 82,279; cars sustained on reinspection, 94,613; cars appealed, 52,490; cars changed on appeal, 16,262; cars sustained on appeal, 36,228.

The second charge seems to be the most serious one made by Senator McCUMBER, and to support this statement he relies principally upon the decision rendered by Judge Sanborn of the United States district court of Wisconsin (western district), in which the judge finds that the evidence in the case showed this discrepancy. Since that time, however, the judge has modified his findings as follows:

"What has been said in this opinion respecting changes of weight, dockage, and arbitrary changes of grades is borne out by the record as presented on these motions, nor was there upon the argument any substantial denial of the facts charged. It should be stated, however, that the Minnesota Railroad and Warehouse Commission, under whose jurisdiction these frauds are alleged to exist, is not a party to these proceedings, and has no right to appear in any way. Some things have been brought to my attention since the motions were decided which lead me to think that on final hearing the facts may turn out to be different from what they appear to be as shown in the record, and particularly that the 26,000,000 bushels shrinkage in ten years may turn out to be an exaggeration, if not a mistake. In view of the importance of the interests involved, and the fact that the Minnesota commission has not been and can not be heard, I have appended this memorandum to the opinion.

"A. L. SANBORN, Judge.

"MAY 26, 1906."

The Senator also relies upon some statements of figures compiled by Mr. F. R. Crumpton, of Superior, Wis., which are claimed to have been taken from the official records of the Duluth Board of Trade and from the reports of the Minnesota Railroad and Warehouse Commission; and Mr. Crumpton is the only witness who testified to the fact that 26,000,000 bushels more had been shipped out than received in the action in which Judge Sanborn made his findings, and we submit herewith the affidavit of Mr. Crumpton, in which he states that he had made a mistake, and that the amount shipped out is substantially that that was taken in.

Exhibit B is a statement made from the reports of the weighmasters at Duluth and Superior from September 1, 1892, to August 31, 1902, inclusive, showing the amount of wheat weighed in to the elevators and mills, bushels weighed out of the elevators, the bushels weighed into the mills, and the bushels weighed into the Zenith elevator, which should be considered as shipments "out." There were shipped from the Zenith elevator 1,181,317 bushels, on which no different weight was taken, this elevator accepting the "in" weight from the parties to whom the wheat was sold. An examination of this statement will show that there was an equal amount of wheat shipped out and taken in.

The statement on which Mr. McCUMBER relied did not contain the amount of wheat received into the mills for the years ending 1893, 1894, and 1895, which was 30,686,632 bushels. Mr. Crumpton's affidavit fully explains this.

Exhibit C is a statement showing the average amount of dockage per bushel for each year from 1893 to 1902, inclusive, and shows an average dockage for the ten years of 19½ ounces to the bushel.

The Senator also stated that there was dockage on wheat received in, and no dockage on the wheat shipped out. This is explained by the fact that the grain going out from Duluth in cargoes is all cleaned before it is shipped, and practically all the wheat that goes from that market goes in cargoes over the Lakes.

The charge of the overgrading of a cargo of durum wheat, made by Mr. H. T. Fowler: If this charge had been true, the Department would have heard of this overgrading at Buffalo, New York, or Montreal, whichever route the cargo took. The Commission have had some experience with Mr. H. T. Fowler, of Superior, Wis., who writes the letter making this charge.

All flax is inspected and the dockage determined by taking a sample from the cars to the office of the chief deputy inspector, which is done in the following manner:

The car is sampled by probe or trier passing through the seed at not less than seven points equally distributed through the car. At each point an equal quantity of seed is taken, aggregating 3 pounds, which is deemed an average sample of the carload. From this sample 1 pound of average seed is taken to be tested, and the impurity removed by sieves; the per cent of impurity and weight per measured bushel of the commercially pure seed determines the grade and dockage.

Reinspection and appeal is allowed from this the same as other grain.

When the sample has been taken from the car, for convenience it is hung on the door of the car, and subsequently, when the train of cars has been sampled, these samples are gathered up and taken to the office.

During December, 1903, the Department found that they were having complaints in regard to excessive dockage on flax. An investigation was instituted, and it was found that this Mr. H. T. Fowler was tampering with these flax samples which had been hung on the car doors by taking some of the flax out of the bags and putting dirt and foul seed in the samples, and it was found that some of the samples with which Mr. Fowler had tampered showed an increase in the dockage of 100 per cent. After he had fixed the samples he would notify his commission man in Duluth of the numbers of the cars and request him to buy the flax, thereby practically obtaining a large amount of flax from each car.

The commission make this statement advisedly and are willing to stand by it in any forum where Mr. Fowler wishes to try it. We were advised by counsel in West Superior that for the offense committed we had no legal remedy, and we desire this statement to be made to the United States Senate for the purpose of showing to what length some people who are interested in discrediting the Minnesota inspection and weighing department will go and the character of witnesses they will employ.

We append copies of letters received from the chief deputy inspector at Duluth in regard to this matter. (Exhibits D and E.)

Regarding the fifth charge, wherein the Senator quotes from the report of the Hon. George A. Young and submits a table from the chief grain inspector's report showing receipts and shipments for the crop year ending August 31, 1901 (this table was included in his speech of March 30, 1904), he says: "More than three times the amount of 'No. 1 hard' was shipped out than was taken in; also, it will be seen that of the higher grades the amounts shipped out always exceed by two or three times the amounts taken in."

In regard to these charges, will state the annual report of the chief grain inspector does not take into account the amount of grain on hand in the elevators at the beginning or ending of each season; they only show the actual amount handled for the crop year. In this particular case there was on hand September 1, 1900, over 7,000,000 bushels of wheat in the public and private elevators, and I refer you to Exhibit F for a detailed statement of the actual amount on hand, received, and shipped.

Regarding the changes of grades in and out of elevators: In addition to the thorough explanation made by Senator NELSON, we submit the following:

The intermingling or mixing of different grades of grain, resulting in the improving of low grades to a higher grade, is considered by all grain men and handlers as legitimate a business as the improving or mixing of any article in any other line of business.

The grading of grain is largely a matter of judgment, and no rules for this can be laid down that do not allow a certain range for every grade of grain. On this account there is a higher and lower level in every grade, and by mixing certain proportions of the choice qualities of, we will say, 1 and 2 northern in the proportion of the low grade used can be raised so as to make a mixture equal or better than the average run of the higher grade.

Wheat that is put in the 2 northern grade may have all the qualities of 1 northern but one. For instance, it may contain too much cockle, smut, foul seed, etc.; it may be bleached a little too much, or it may be too light in weight, but by mixing with it 1 northern of good color that contains no cockle or bleached kernels, and is very heavy, it brings it up to the average level of the upper grade. To accomplish these results it is necessary to have elevators equipped with special machinery for the handling and improving this class of wheat.

There are two classes of elevators at Minneapolis, Duluth, and Superior—the public and the private. The public elevator affords the shipper the privilege of storing his grain where different grades are not allowed to be mixed. This class of elevator is entirely under the control of the State grain department. The private elevator is not under the control of the State, except by courtesy. They may be classed as grain merchants. They buy all grain which they store from owners or their representatives, by sample or grade, selecting only such as they, in their judgment, think can be improved by

handling and mixing—wheat that is graded "No grade" on account of being too wet to store, unless handled and dried, or wheat that is tainted with smut, exceedingly dirty, bin burnt, or musty. This class of grain is thought by many persons not conversant with the grain business to be no good, in fact, worthless, while as a matter of fact it may be, if dried and carefully handled by brushing, fanning, and cleaning, entitled to the highest grade.

Prior to the inception of the private elevators at Duluth, with the exception of a very small quantity which was bought at that time by one or two small local flouring mills, all wheat graded below 2 northern (and even that grade could only be sold in limited quantity), had to find a market elsewhere. Shippers were notified not to ship their low grades to Duluth, but to Minneapolis or some other market where it could be disposed of at better advantage on account of the private elevators. That the mixing of wheat does not injure the producer, but, as a matter of fact, is a benefit, is well known to all conversant with the grain business. It enables mixers to pay a premium above the price of the regular grade for the choice lots or cars of each grade.

Different grades of grain can not be mixed in public elevators, but the law does not prevent an owner of grain from mixing different grades or different qualities in his own elevator, where he is not storing and handling grain for the public; and such a law, in the opinion of this commission, would be unconstitutional.

Dated June 2, 1906.

RAILROAD AND WAREHOUSE COMMISSION OF THE
STATE OF MINNESOTA,
By IRA B. MILLS, Chairman.

EXHIBIT A.

Statement showing the number of cars reinspected and appealed, and the results of such reinspection and appeal, from September 1, 1899, to September 1, 1905.

[Figures taken from the annual report of the chief inspector of grain of the State of Minnesota.]

Year ending Aug. 31—	Cars inspected.	Cars reinspected.	Cars changed on reinspection.	Cars sustained on reinspection.	Cars appealed.	Cars changed on appeal.	Cars sustained on appeal.
1900.....	209,949	26,711	11,226	15,485	3,818	1,675	2,143
1901.....	200,279	24,627	12,382	12,235	7,033	2,965	4,068
1902.....	261,642	34,220	13,566	20,654	10,817	3,235	7,582
1903.....	272,044	31,265	14,156	17,109	9,813	2,465	7,348
1904.....	274,450	29,122	14,145	14,977	10,000	2,772	7,228
1905.....	284,930	30,947	16,794	14,153	11,009	3,150	7,859
Total.....	1,563,294	176,892	82,279	94,613	52,490	16,262	36,228

EXHIBIT B.

Official statement of the chief inspector of grain for the State of Minnesota, showing the amount of "wheat" weighed in and weighed out of elevators and mills at Duluth and Superior from September 1, 1892, to August 31, 1902, inclusive.

Date, year ending August 31—	Bushels weighed into elevators and mills, part gross weight and part net weight.	Bushels weighed out of elevators, net weight, less dockage.	Bushels weighed into "mills" should be considered as an out-shipment.	Bushels weighed into Zenith elevator should be considered as an out-shipment.
1893.....	42,358,750	35,707,910	5,980,147	42,432
1894.....	36,851,443	24,416,401	11,206,544	9,605
1895.....	39,396,473	24,763,049	13,431,604	8,367
1896.....	67,442,981	52,534,438	14,878,520	145,361
1897.....	45,758,490	39,569,336	11,466,580	98,073
1898.....	47,739,338	35,002,386	9,684,382	218,572
1899.....	81,288,855	64,971,143	11,248,331	367,748
1900.....	54,633,444	43,346,796	2,950,604	291,189
1901.....	23,743,626	26,047,506	2,483,336
1902.....	53,919,157	46,123,873	7,340,409
Total.....	493,192,557	395,482,838	90,730,457	1,181,317

* These amounts are included in total receipts of 493,192,557 bushels.

RECAPITULATION.

	Bushels.
Total amount of wheat weighed into elevators and mills.....	493,192,557
Total amount of wheat weighed out of elevators.....	395,482,838
Total amount of wheat weighed into mills shipped out as flour and other products.....	90,730,457
Total amount of wheat shipped from Zenith elevator on which no "out weight" was taken, the Zenith elevator accepting the "in weight" from the parties to whom their wheat was sold.....	1,181,317
Dockage on account of dirt, foul seed, etc.....	4,111,749
Accounted for by direct transfer through shipping bins wherein the "in weight" was also taken as an "out weight".....	1,686,196
	493,192,557

F. W. EVA,
Chief Inspector of Grain,
State of Minnesota.

ST. PAUL, MINN., April 18, 1904.

EXHIBIT C.

Statement showing the average amount of dockage per bushel for each year from 1893 to 1902, inclusive, September 1, 1892, to August 31, 1902. [Compiled from the annual reports of chief inspector of grain of Minnesota.]

	Ounces.
1893	14½
1894	20½
1895	14½
1896	15½
1897	15
1898	28.6
1899	26.3
1900	19.7
1901	23.5
1902	19.8

Average dockage for ten years..... 19½

This is in answer to the claim that excessive dockage was taken.

EXHIBIT D.

STATE OF MINNESOTA,
OFFICE OF CHIEF DEPUTY INSPECTOR OF GRAIN,
Duluth, Minn., December 3, 1903.

Mr. F. W. EVA,
Chief Inspector of Grain, St. Paul, Minn.

DEAR SIR: We have had quite a number of complaints lately on our flax dockages, and on resamples have had to take as high as 4 per cent off of them. It has occurred on our best men and most careful samplers. November 22 a resample was called on Great Northern car 33646 by Turle & Co., which originally graded 1-7½ per cent, on resample was made 1-3 per cent. They claim that was the dockage advised.

I thought there was a leakage somewhere, and had Mr. Graves watch the men that were sampling. On investigation he found that Mr. Fowler, of the firm of Alger-Fowler, of West Superior, who has been in the yard all fall looking at flax, was in the habit of going up the ladder and watching the men sample. It looked queer to him, so he had the men watch him very closely.

Yesterday he was seen tampering with a sample of Great Northern car 24552. Nothing was said, but after he left the yard a resample was taken and both brought to the office. The first sample tested 10 per cent; the second only 5 per cent. We found the car was consigned to Edwards-Wood & Co. We had them call a reinspection at Ross elevator, and the third sample tested 5 per cent.

I had Mr. Graves use extra precaution to-day. Knutson & Davis saw Fowler putting something into samples of 46206 and 21522. We had new samples taken, and there was a difference of 3 per cent on each car. Fowler can only buy flax from McKindley & Nicholls, Turle & Co., and H. Poehler, of this side, and I understand he pays a half cent premium. The flax of these firms is all he looks at.

What would you advise? Shall I order him out of the yard, and notify these firms what he is doing, or can we have him arrested?

Hoping to hear from you soon,

Yours, truly,

H. E. EMERSON, C. D. I.

EXHIBIT E.

STATE OF MINNESOTA,
OFFICE OF CHIEF DEPUTY INSPECTOR OF GRAIN,
Duluth, Minn., December 4, 1903.

Mr. F. W. EVA, St. Paul, Minn.

DEAR SIR: Mr. Staples came up this morning and I stated the Fowler case same as I wrote you last night. He feels the same as we do in prosecuting Fowler, but he says the commission have no jurisdiction and that the Duluth Board of Trade can do nothing in the matter, it having occurred in Wisconsin.

Mr. Ames, president of the board, came in while we were talking and wanted to know the facts of the Fowler case. We told him what we knew and also the evidence we had against Fowler. He called up John Murphy, attorney for the Great Northern Railway, and stated the evidence we had, and if we took affidavits of the men that had seen Fowler tampering with the samples, did he think there was a chance for criminal action? He told him to prepare them and have them ready for Monday morning. In the meantime he would look up the law on cases of that kind and he certainly would do all in his power to land Mr. Fowler where he belonged.

I have had all the boys that were concerned in this matter at the office this afternoon and have their statements. Shall go over them with Mr. Staples in the morning; will then have them typewritten and sworn to before a notary public.

It looks to me as though we had Mr. Fowler in just about the right place.

We had another experience with him to-day. Edwards-Wood had five cars of flax and he loaded four of them and one for McKindley & Nicholls; had two samples of them besides the one he fixed.

Have tried to keep this matter quiet, had cautioned the boys not to say anything, but the whole board of trade knew it this morning and also had a newspaper man up this afternoon. We held him down and there was nothing published to-night.

I heard the West Superior board were going to take the matter up, and if proven were going to expel him. Will keep you posted if anything new turns up.

Yours, truly,

H. E. EMERSON.

CHANGING OF GRADES.

[Part of Mr. McCUMBER'S speech in the Senate, March 30, 1904.]

In 1903 a committee of the North Dakota legislature, in conjunction with a committee from the Wisconsin legislature, sought by their combined efforts to find some source of relief. They were forced to fall back on Federal inspection and grain grading. This committee made a thorough investigation of the subject of wheat inspection and grading, and officially found conditions about as I have mentioned. I quote from the report of Hon. George M. Young, a member of this committee:

"That such abuses exist is a matter of almost universal knowledge

"Owing to the late spring frosts, the weeds got the start of wheat, resulting in a more than ordinarily foul crop, particularly in the central and northern sections. The net average dockage was between 9 and 10 ounces to the bushel in excess of the average of former years.

among our farmers, who have been systematically robbed; but in addition to the facts presented by our farmers, and in corroboration thereof, I call to your attention the official report of the chief inspector of grain of the State of Minnesota, showing the total receipts and shipments of grain for the year ending August 31, 1901, from which I quote."

Now, from this table alone, and from the official report that is given by the inspector there will be seen the robbery that is going on in the present system of State grain grading at the terminal markets at Duluth, Superior, and Minneapolis.

"No. 1 hard: Receipts, 341,567 bushels; shipments, 1,000,438 bushels. More than three times as much No. 1 hard was shipped out in those three years as was taken in.

"No. 1 northern [that is a very good grade of grain]: Receipts, 10,070,414 bushels; shipments, 16,900,917 bushels.

"No. 2 northern: Receipts, 7,341,594; shipments, 3,978,311.

"No. 3 spring: Receipts, 1,335,830; shipments, 444,041."

It will be seen that of the higher grades the amount shipped out always exceeds by two or three times the amount taken in, while of the lower grades the amount taken in exceeds from two to three times the amount shipped out.

I will make this table a part of my remarks without quoting further from it.

The table referred to is as follows:

No. 1 hard: Receipts, 341,567; shipments, 1,000,438.

No. 1 northern: Receipts, 10,070,414; shipments, 16,900,917.

No. 2 northern: Receipts, 7,341,594; shipments, 3,978,311.

No. 3 spring: Receipts, 1,335,830; shipments, 444,041.

Rejected: Receipts, 256,063; shipments, 134,471.

No grade: Receipts, 1,335,521; shipments, 344,823.

NOTE.—See attached copy, Exhibit F, for answer to this:

No. 1 hard on hand and receipts, 1,004,203 bushels.

No. 1 northern on hand and receipts, 15,356,760 bushels.

EXHIBIT F.

MINNESOTA GRAIN INSPECTION DEPARTMENT, Duluth district.

Statement of the amount of wheat, by grades, on hand at the beginning of the crop year, September 1, 1900; amount received and shipped during crop year of 1901; amount on hand at close of crop year, August 31, 1901; amount taken in at the mills, which was shipped out as flour and other products; amount of dockage for dirt, foul seed, etc.; amount of transfers wherein the "in weight" is also taken as an "out weight."

AMOUNT ON HAND SEPTEMBER 1, 1900, AND RECEIPTS FOR YEAR ENDING AUGUST 31, 1901.

Grade.	Bushels on hand Sept. 1, 1900, in public elevators.	Bushels on hand Sept. 1, 1901, in private elevators.	Bushels received from Sept. 1, 1900, to Aug. 31, 1901 (gross weight).	Total bushels.
1 hard	653,715	8,521	341,567	1,004,203
1 northern	4,781,683	504,063	10,070,414	15,356,760
2 northern	453,028	246,473	7,341,594	8,041,095
3 spring	54,327	—	1,335,830	1,390,157
Rejected	44,297	—	256,063	300,360
No grade	97,384	—	1,335,521	1,432,905
Special bin	—	88,180	—	88,180
Winter	26,786	—	1,799,986	1,826,772
Not inspected	—	—	4,327	4,327
Bonded	174,734	4,308	1,258,520	1,437,562
Total	6,285,954	852,545	23,743,622	30,882,121

AMOUNT ON HAND AUGUST 31, 1901, AND SHIPMENTS FOR YEAR ENDING AUGUST 31, 1901.

Grade.	Bushels weighed into mills Sept. 1, 1900, to Aug. 31, 1901.	Bushels on hand Aug. 31, 1901, in public elevators.	Bushels on hand Aug. 31, 1901, in private elevators.	Bushels shipped from Sept. 1, 1900, to Aug. 31, 1901 (net weight).	Total bushels.
1 hard	7,514	6,034	—	1,000,438	1,013,986
1 northern	344,192	114,469	176,571	16,900,918	17,536,150
2 northern	1,511,990	302,148	431,118	3,978,311	6,223,507
3 spring	450,911	8,423	7,950	444,042	911,326
Rejected	30,348	775	907	134,471	166,501
No grade	29,563	5,213	4,015	344,824	383,615
Special bin	—	—	84,411	—	84,411
Winter	108,880	4,202	7,436	1,673,026	1,793,544
Not inspected	—	—	—	206,505	206,505
Bonded	—	90,009	—	1,304,971	1,394,980
Transfers	—	—	—	557,174	557,174
Dockages	—	—	—	550,422	550,422
Total	2,483,338	531,273	712,408	26,047,506	30,882,121

NOTE.—All the above figures were taken from the official records in the offices of the assistant registrar and State weighmaster of grain at Duluth, Minn., excepting the figures showing the amount of wheat on hand in the private elevators, which figures were obtained from the elevator companies.

STATE OF MINNESOTA, County of St. Louis, ss:

Frank R. Crumpton, being first duly sworn, deposes and says as follows:

That he is now, and has been for sixteen years last past, continuously

a resident of the city of Superior, in the State of Wisconsin, and has been during all of said period engaged in the business of buying and selling grain.

That affiant is the same Frank R. Crumpton who was a witness in the case of Gregory, Cook & Co. v. Wisconsin Grain Commission, which was tried before Judge Parish, in Superior, Wis., on or about March 22, 1906, in which case affiant gave testimony under oath as to a computation made by affiant as to the amount of wheat received and shipped by the elevators located upon Duluth-Superior harbor during the ten years from September 1, 1892, to September 1, 1902, and from which computation it appeared that 26,014,000 bushels of wheat had been reported shipped and manufactured into flour, more than the amount reported as having been received by said elevators during the same period of time.

That affiant is the same Frank R. Crumpton who, at the sessions of the Wisconsin legislature in the winter of 1902 and 1903, used said computation in arguments and conversations with members of the Wisconsin legislature in support of a bill then pending in said legislature providing for the establishment of a Wisconsin grain inspection commission, and that, so far as affiant knows, affiant is the only person who has ever made or used or testified to such a shortage of grain, either before said legislature since the year 1902 or in any pending case in the State of Wisconsin.

That the computation originally made by affiant and used by him in testifying in the case aforesaid and with the members of said legislature is correctly shown by the tabulated statement, hereto attached, marked "Exhibit A," and made a part hereof.

That immediately after affiant gave his testimony in said case of Gregory, Cook & Co. v. Wisconsin Grain Commission on March 22, 1906, affiant's attention was called to certain errors and inaccuracies in his original computation, and thereupon affiant, before the close of said case, in open court, called the attention of the presiding judge to the fact that in some respects said computation was not correct.

That since said time affiant has examined into said matter more carefully and has made use of all available statistics and reports as to the amount of wheat received, shipped, and made into flour between September 1, 1892, and September 1, 1902, at the port of Duluth-Superior, and now knows that the original computation made by affiant, and hereto attached, marked "Exhibit A," was not a true or correct statement as to the facts in many respects, though at the time that affiant made said statements affiant believed them to be true.

That affiant now knows that in his original computation, marked "Exhibit A," hereto attached, affiant failed to take into account the following items relating to such receipts and shipments of grain, to wit: (1) A clerical error in the original computation increasing the apparent excess of shipments over receipts by 1,000,000 bushels; (2) the stock of wheat in store in elevators on September 1, 1892, amounting to 1,554,000 bushels; (3) the stock of wheat in store September 1, 1902, amounting to 360,000 bushels; (4) the amount of wheat received by elevators on Duluth-Superior harbor, and subsequently shipped out by said elevators to flour mills located at Duluth and Superior, between September 1, 1892, and September 1, 1895, amounting to 30,686,000 bushels; (5) the amount of correction that should be made in the number of bushels of wheat used in the production of flour in said period of time on account of the use in said original statement "Exhibit A" of calendar years instead of crop years, amounting to 905,000 bushels; (6) the amount of allowance that should be made in said "Exhibit A," but not therein taken into account, for tare on account of dirt, foul seed, etc., on 224,216,000 bushels of wheat reported as having been received by the Minnesota State Weighing Department as gross bushels, amounting to 4,671,000 bushels; (7) the amount of allowance that should be made in said statement for transfers of grain between elevators of the same system.

That affiant has prepared a statement, which is hereto attached and marked "Exhibit B," which shows correctly in bushels, no account being made of fractions of a thousand bushels in the final computation, the allowance that should be made in said original statement—"Exhibit A"—on account of the various items hereinabove enumerated, which were not taken into account in said original statement "Exhibit A," and has tabulated said items in the form of a debit and credit statement for the purpose of striking a balance upon said statement as a supplement to the original statement "Exhibit A," hereto attached, and for the purpose of explaining the apparent discrepancy of about 26,000,000 bushels shown by said "Exhibit A."

That after a careful and painstaking examination, which affiant has made of said matter, affiant is now convinced that during the period from September 1, 1892, to September 1, 1902, there was no excess of shipments of grain from the elevators at the head of Lake Superior over receipts of grain by said elevators, including stocks in storage at the commencement and end of said period, as charged by affiant before said legislature and in the testimony in said case of Gregory, Cook & Co. v. Wisconsin Grain Commission and in private conversations and correspondence, and that in all such statements and correspondence affiant now finds that he was misinformed and makes this affidavit for the purpose of correcting such misstatements and of showing the true facts.

FRANK R. CRUMPTON.

Subscribed and sworn to before me this 20th day of May, A. D. 1906.
[SEAL.] D. W. STOCKING,

Notary Public, St. Louis County, Minn.

EXHIBIT A.—Frank R. Crumpton's original statement.

	Bushels received.	Bushels shipped.
1. Receipts as per State grain weighing department's figures from Sept. 1, 1892, to Sept. 1, 1902	463,508,000	-----
2. Shipped as per State grain weighing department's figures from Sept. 1, 1892, to Sept. 1, 1902	-----	395,483,000
3. 20,897,070 barrels of flour manufactured from Jan. 1, 1893, to Jan. 1, 1903, as per figures of the Duluth Board of Trade, reduced to bushels by the multiple of 4.5	-----	94,037,000
4. "Shipped and manufactured into flour more than reported as being received"	26,014,000	-----
Total	489,520,000	489,520,000

EXHIBIT B.—Frank R. Crumpton's supplemental statement.

	Bushels received.	Bushels shipped.
1. Exhibit A shows excess of shipments over receipts of	-----	26,014,000
2. Exhibit A (1), original statement, contains clerical error in addition of	-----	1,000,000
3. Exhibit A does not show stock in store of wheat on Sept. 1, 1892, of	1,554,000	-----
4. Exhibit A does not show stock of wheat in store on Sept. 1, 1902, of	-----	368,000
5. Exhibit A (1) does not take into account the amount of wheat received by mills from Sept. 1, 1892, to Sept. 1, 1895, of	30,686,000	-----
6. Exhibit A (3) shows the flour production for the 10 calendar years ending Dec. 31, 1902. Should be for the 10 crop years ending Sept. 1, 1902, or a reduction in the production of 201,000 barrels, and using the multiple 4.5 equal to	905,000	-----
7. Exhibit A does not allow for any dockage or tare on account of dirt, foul seed, etc., on 224,000,000 bushels reported received by the State grain weighing department as gross bushels. Figured at an average tare or dockage of 1½ pounds per bushel this would amount to	-----	4,671,000
8. Apparent excess of receipts over shipments of	-----	1,002,000
Explained by the fact that on transfers between elevators of a system weighing in only has been charged during the last few years, and thus duplicating the receipts that amount.	-----	-----
Total	33,145,000	33,145,000

I hereby certify that the foregoing statements and affidavit are true copies of the original on file in the office of secretary Duluth Board of Trade.

[SEAL.]

H. B. MOORE, Secretary.

REPORTS OF COMMITTEES.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (S. 5951) to repeal section 3480 of the Revised Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. 717) granting an increase of pension to Oscar B. Morrison, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14345) granting an increase of pension to Peter Noblet;

A bill (H. R. 10965) granting an increase of pension to Mortimer F. Sperry;

A bill (H. R. 8903) granting an increase of pension to John W. Dawes;

A bill (H. R. 6510) granting an increase of pension to Richard A. Roberts;

A bill (H. R. 3369) granting an increase of pension to Albert Sriver;

A bill (H. R. 19068) granting an increase of pension to William Adams;

A bill (H. R. 19262) granting an increase of pension to John Wickline; and

A bill (H. R. 19305) granting an increase of pension to Almus Harrington.

Mr. TELLER, from the Committee on Indian Affairs, to whom was referred the bill (S. 6214) for the relief of Jarib L. Sanderson, reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, reported an amendment proposing to appropriate \$200,000 for the construction of a steam revenue cutter to be stationed at Savannah, Ga., intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 3020) for the relief of John P. Hunter, reported it without amendment.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 17133) to amend section 558 of the Code of Law for the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3222) granting an increase of pension to George Merrill;

A bill (H. R. 6190) granting an increase of pension to John J. Schneller;

A bill (H. R. 6914) granting an increase of pension to John Hecker;

A bill (H. R. 7589) granting an increase of pension to Robert A. Scott;

A bill (H. R. 7508) granting an increase of pension to Benjamin F. Andrews;

A bill (H. R. 8140) granting a pension to Lucy A. Thomas;

A bill (H. R. 8552) granting an increase of pension to Elisha G. Horton;

A bill (H. R. 16857) granting an increase of pension to Jeremiah Y. Antrim;

A bill (H. R. 16807) granting an increase of pension to Isabella Ellis;

A bill (H. R. 13075) granting an increase of pension to Pardon B. Lamoreux;

A bill (H. R. 18165) granting an increase of pension to Jacob Stauff;

A bill (H. R. 18125) granting an increase of pension to Wilhelm Griese;

A bill (H. R. 17528) granting an increase of pension to Edgar Slater;

A bill (H. R. 1294) granting an increase of pension to George W. Van De Bogert;

A bill (H. R. 6900) granting an increase of pension to John Rawling; and

A bill (H. R. 19217) granting an increase of pension to William H. Burns.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 5787) for the relief of Lurana Harpole, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8934) granting an increase of pension to Wesley A. J. Mavity;

A bill (H. R. 1689) granting an increase of pension to William A. Bailor;

A bill (H. R. 3238) granting an increase of pension to Samuel Hartley;

A bill (H. R. 3724) granting an increase of pension to Samuel Likens;

A bill (H. R. 4885) granting an increase of pension to James Hennon; and

A bill (H. R. 4887) granting an increase of pension to John F. Brown.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17673) granting an increase of pension to Jacob H. Heck;

A bill (H. R. 17705) granting an increase of pension to John A. Lovens;

A bill (H. R. 18109) granting an increase of pension to Abraham E. Sheppard;

A bill (H. R. 18324) granting a pension to Charles H. Lunger;

A bill (H. R. 18732) granting a pension to James J. Christie;

A bill (H. R. 18829) granting an increase of pension to William Fox;

A bill (H. R. 18869) granting an increase of pension to Ellis L. Ayers;

A bill (H. R. 18888) granting an increase of pension to Samuel Lambert;

A bill (H. R. 18896) granting an increase of pension to Samuel Smith;

A bill (H. R. 18956) granting an increase of pension to Joseph Scattergood;

A bill (H. R. 19010) granting an increase of pension to Charles Edwards, alias St. Clair Acuff;

A bill (H. R. 19025) granting an increase of pension to Milton McFarland; and

A bill (H. R. 19351) granting an increase of pension to William C. Mankin.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13058) granting an increase of pension to Thomas J. Baum;

A bill (H. R. 13631) granting an increase of pension to James H. Morrill;

A bill (H. R. 14558) granting an increase of pension to Martha L. Wood;

A bill (H. R. 15653) granting an increase of pension to Eliza J. Hudson;

A bill (H. R. 15674) granting an increase of pension to Susan Campbell;

A bill (H. R. 17901) granting an increase of pension to Douglas A. Hunt;

A bill (H. R. 19009) granting an increase of pension to Lafayette H. McClung; and

A bill (H. R. 19121) granting an increase of pension to Isaac Overton.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 2385) for the payment of Robert D. Benedict for services rendered, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 9) to amend the Constitution of the United States to authorize uniform marriage and divorce laws and the enforcement thereof by adequate penalties, submitted an adverse report thereon; which was agreed to, and the joint resolution was postponed indefinitely.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 118) to amend sections 713 and 714 of an act to establish a code of law for the District of Columbia, approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 6338) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington," to report it without amendment, and I submit a report thereon.

Mr. RAYNER. I should like to ask for the immediate consideration of the bill. It merely enables the Episcopal Church of the District of Columbia to invest some of their funds in real estate.

The VICE-PRESIDENT. The Senator from Maryland asks unanimous consent for the present consideration of the bill. It will be read for the information of the Senate.

The Secretary read the bill.

Mr. BAILEY. Mr. President, perhaps I am not sufficiently familiar with the religious vernacular, but to incorporate a "convention" seems to me on its face a rather extraordinary proceeding. I take it for granted that "convention," as used in the bill, does not mean a convention in its ordinary sense. I would like to know of the Senator who has charge of the bill if the convention as described in the bill includes more than the relations of that church in the District of Columbia.

Mr. HALE. It is evident this bill will give rise to discussion, and I must ask that it go to the Calendar.

The VICE-PRESIDENT. Under objection, the bill will go to the Calendar.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following joint resolution and bills, reported them severally without amendment, and submitted reports thereon:

A joint resolution (H. J. Res. 158) amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes;

A bill (S. 6151) granting an increase of pension to Mark Ham;

A bill (S. 5637) granting an increase of pension to Margaret Himmel;

A bill (H. R. 16836) granting an increase of pension to David C. Winebrener;

A bill (H. R. 17102) granting a pension to Katherine Studert;

A bill (H. R. 18235) granting a pension to Ida M. Warner;

A bill (H. R. 13998) granting an increase of pension to John C. Barnwell;

A bill (H. R. 15676) granting an increase of pension to Samuel B. Smith;

A bill (H. R. 18609) granting an increase of pension to Henry Delong;

A bill (H. R. 18725) granting a pension to Nancy V. J. Ferrell;

A bill (H. R. 18833) granting an increase of pension to Henry Horton;

A bill (H. R. 18876) granting an increase of pension to Lemuel Hand;

A bill (H. R. 19120) granting a pension to Eliza E. Whitley;

A bill (H. R. 19128) granting a pension to Alexander McAlister;

A bill (H. R. 19220) granting an increase of pension to Calvin Corsine;

A bill (H. R. 19272) granting an increase of pension to Alice Morrill; and

A bill (H. R. 19408) granting an increase of pension to Elisha Brown.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6205) granting a pension to Hansford G. Gilkeson;

A bill (S. 6197) granting an increase of pension to Charles E. Henry; and

A bill (S. 4991) granting a pension to Lycurgus D. Riggs.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2225) granting an increase of pension to Samuel White;

A bill (S. 5710) granting an increase of pension to Samuel M. Daughenbaugh;

A bill (S. 6283) granting an increase of pension to Clara A. R. Devereux;

A bill (S. 6228) granting a pension to Betsey Hattery;

A bill (S. 2880) granting an increase of pension to James C. Coad;

A bill (S. 5994) granting an increase of pension to John Dickey; and

A bill (S. 5081) granting a pension to Lucy Florette Nichols.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, reported an amendment relative to the appointment of a special master to take testimony in the case of *The United States v. George Edward Adams*, and so forth, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. BURNHAM, from the Committee on Territories, to whom was referred the bill (S. 6358) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska, reported it without amendment.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 19364) granting an increase of pension to Anna Ring, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18523) granting an increase of pension to Hugh Reid;

A bill (H. R. 1326) granting an increase of pension to Ora P. Howland;

A bill (H. R. 2053) granting an increase of pension to Annie A. Townsend;

A bill (H. R. 2759) granting an increase of pension to Daniel Eaton;

A bill (H. R. 4647) granting an increase of pension to David C. Austin;

A bill (H. R. 6893) granting a pension to Augusta C. Reichburg;

A bill (H. R. 8291) granting an increase of pension to Daniel S. Chase;

A bill (H. R. 10280) granting an increase of pension to James Spencer;

A bill (H. R. 10282) granting an increase of pension to Emma E. Goodwin;

A bill (H. R. 11100) granting an increase of pension to John Browne;

A bill (H. R. 11422) granting an increase of pension to George B. True;

A bill (H. R. 13609) granting an increase of pension to Charles H. Guile;

A bill (H. R. 17809) granting a pension to William Barrett;

A bill (H. R. 18384) granting an increase of pension to James F. Young;

A bill (H. R. 19179) granting an increase of pension to Eliza A. Smith;

A bill (H. R. 19238) granting an increase of pension to Daniel S. Conover;

A bill (H. R. 19249) granting an increase of pension to Lorenzo W. Shedd;

A bill (H. R. 19301) granting an increase of pension to Caroline L. Hodgdon; and

A bill (H. R. 19457) granting an increase of pension to Charles H. Prince.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 651) granting an increase of pension to Robert Brandau, alias Brandon;

A bill (H. R. 4397) granting an increase of pension to John M. Byers;

A bill (H. R. 6336) granting a pension to Elizabeth A. Ames;

A bill (H. R. 6421) granting an increase of pension to Reuben Van Buskirk;

A bill (H. R. 6423) granting an increase of pension to Levi A. Canfield;

A bill (H. R. 13466) granting an increase of pension to Albert H. Bradish; and

A bill (H. R. 13652) granting an increase of pension to William O. Tobey.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18360) granting an increase of pension to Fanny G. Pomeroy;

A bill (H. R. 7763) granting a pension to James S. King;

A bill (S. 8920) granting an increase of pension to Andrew J. Lane;

A bill (H. R. 18631) granting an increase of pension to Daniel Whalen;

A bill (H. R. 10356) granting an increase of pension to Martin B. Doty;

A bill (H. R. 10902) granting an increase of pension to James Holderby;

A bill (H. R. 13949) granting an increase of pension to Mary A. Duryea;

A bill (H. R. 14323) granting an increase of pension to Thomas Thornton; and

A bill (H. R. 14798) granting a pension to Lucinda Brady.

Mr. CLAPP, from the Committee on Claims, to whom was referred the amendment submitted by Mr. NELSON on February 6, 1906, relative to the claim of the State of Minnesota for interest paid on \$100,000 of bonds issued by said State in 1862, etc., intended to be proposed to the general deficiency bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

POLLARD & WALLACE.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (S. 6299) for the relief of Pollard & Wallace, to report it favorably without amendment.

Mr. CULLOM. I should like very much to have the bill considered at this time. It is a brief bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the firm of Pollard & Wallace, of Champaign, Ill., \$6,000, being the value of the plant leased by them to the Government and used by the War Department in the construction of a lock and dam and construction work in the Osage River, near Osage City, Mo., and still retained by the War Department for use in conjunction with the work on the dam, but rendered useless to Pollard & Wallace by reason of the failure of the War Department to complete the work by lack of proper appropriation therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF COPYRIGHT ACTS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. KITTREDGE on the 2d instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and are hereby, authorized and directed to investigate, in conjunction with the Committee on Patents of the House of Representatives, all matters pertaining to the copyright laws, to send for persons and papers, and to administer oaths, and to employ a stenographer to report such hearings; and that the committee be authorized to sit during the sessions or recess of the Senate, and to have such hearings printed, and that all expenses of the investigation be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. SPOONER introduced a bill (S. 6362) to approve, ratify, and confirm tariff duties levied and collected at all ports and places in the Philippine Islands between July 12, 1898, and March 8, 1902, and for other purposes; which was read twice by its title.

Mr. SPOONER. Ordinarily the bill should go to the Committee on the Philippines; but it involves a question of law, and I think it should go to the Committee on the Judiciary.

Mr. LODGE. The bill strictly should go to the Committee on

the Philippines. It relates to a question which has grown out of the bill reported from that committee; but it involves wholly a legal question, and I think it will expedite the legislation to send it to the Committee on the Judiciary.

The VICE-PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (S. 6363) to provide for the purchase and distribution of a digest of reports of the Supreme Court of the United States; and

A bill (S. 6364) to incorporate the National Child Labor Committee.

Mr. SPOONER introduced a bill (S. 6365) granting a pension to Edward S. Bragg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6366) granting an increase of pension to James A. Viall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 6367) granting an increase of pension to Joseph Johnston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 6368) granting an increase of pension to Sherrad Hamilton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 6369) granting an increase of pension to Cornelius D. McCombs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 6370) for the relief of James H. Shannon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 6371) for the relief of the legal representatives of Benjamin Hamilton, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DILLINGHAM (for Mr. PROCTOR) introduced a bill (S. 6372) granting an increase of pension to Marvin Osgood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 6373) for the relief of the Methodist Episcopal Church South, of Ringgold, Ga.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 6374) granting an increase of pension to Collins Van Cleve; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 6375) granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 6376) providing for the temporary maintenance of the Long Bridge over the Potomac River, and for other purposes, which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. ELKINS introduced a bill (S. 6377) granting an increase of pension to Samuel S. Price; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6378) granting an increase of pension to Thomas J. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 6379) for the relief of George Schlindwein; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 6380) granting a pension to Josiah B. Kinsman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 6381) granting an increase of pension to John McDonough; which was read twice by its title, and referred to the Committee on Pensions.

WEIGHING, INSPECTION, ETC., OF GRAIN.

Mr. McCUMBER. Mr. President, there were some remarks made a few days ago, when the agricultural appropriation bill was before the Senate, concerning the method of handling, dealing with, inspecting, and grading of grain at the terminals of Duluth, Superior, and Minneapolis. Some exception was taken by the Minnesota grain and warehouse commission, as I believe it is called, to the deductions which were made from my remarks and also from the opinion of Judge Sanborn, and that

commission indicated a desire to have an investigation of the matter. For that purpose, I introduce the joint resolution which I send to the desk, and I ask that it may be printed in the Record and referred to the Committee on Agriculture and Forestry.

Mr. NELSON. I should like to have the joint resolution read at length.

The joint resolution (S. R. 64) directing the Secretary of Commerce and Labor to investigate the matter of grain weighing, inspecting, grading, dockage, and mixing of grain at certain cities, and for other purposes, was read the first time by its title and the second time at length, as follows:

Be it resolved, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and instructed to examine into and fully investigate the matter of weighing, inspecting, grading, dockage, and mixing of wheat, flax, barley, oats, corn, rye, and other cereals, and all matters pertaining to the buying, selling, handling, and exporting of same at the cities of Minneapolis, Duluth, Superior, Buffalo, New York, and such other places as may be necessary, for the purpose of ascertaining what, if any, irregularities, injustices, or defects exist or result, or have heretofore existed or resulted, to the producer of such cereals or other persons dealing in the same, from the system employed at such places, in such weighing, inspecting, grading, dockage, or mixing, or any other matter pertaining to the buying, selling, handling, transporting, or exporting such cereals; also the effect of such system upon our commerce in grains, both domestic and foreign, and report the result of such investigation, together with recommendations, to Congress on or before December 15, 1906. Such investigation shall cover a period of at least ten years previous to the enactment of this resolution.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Agriculture and Forestry.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ELKINS submitted an amendment proposing to appropriate \$100,000 for the purchase of a site and the erection of a building thereon in the District of Columbia, to be used by the Forest Service of the Department of Agriculture as a laboratory for experiments in the seasoning and preservative treatment of construction and other timbers, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate \$2,400 to enable the Secretary of the Treasury to pay Joseph Williams for stores and supplies furnished to the United States military at Fredericksburg, Va., etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment proposing to appropriate \$2,000 to pay Henry W. Lee, out of the funds of the Winnebago Indians of Wisconsin, the amount found due him by the Court of Claims for services rendered these Indians, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. CRANE submitted an amendment proposing to appropriate \$175,000 for the construction of an able seagoing tug for the Revenue-Cutter Service, at New Bedford, Mass., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

ELEVATOR, GRAIN BUYING, AND FORWARDING BUSINESS.

Mr. LA FOLLETTE. I submit a concurrent resolution, which I ask may be read.

The VICE-PRESIDENT. The concurrent resolution submitted by the Senator from Wisconsin will be read.

The Secretary read the concurrent resolution, as follows:

Whereas certain corporations and individuals engaged in the buying, storing, forwarding, and selling of grain receive from the railroad companies over the lines of which they operate special privileges in the form of rebates, discrimination in the matter of furnishing cars, side track and elevator privileges; and

Whereas it appears that the directors of some of the grain-carrying roads are also heavily interested in the elevator companies which enjoy these special privileges; and

Whereas the granting of these special privileges has resulted in a monopolization of this business and in forcing independent dealers out of business, and in forcing the farmers to sell grain at less than a fair price: Therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President request the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of this country, to determine to what extent these special favors have been granted, the influence which the monopolizing of this branch of business has had upon the market, the injury it has worked to the grain producers, the extent to which the railroads, their officers, directors, stockholders, and employees own or control the grain buying and grain forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured their holdings in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session; and, be it further

Resolved, That for the purpose of conducting this investigation, the Interstate Commerce Commission is empowered to summon witnesses, administer oaths, and compel the production of all books, papers, contracts, and such other documents or memoranda which it deems necessary to the making of a full and complete investigation. There is hereby appropriated the sum of \$25,000, or so much thereof as may be necessary, to defray the expense of such investigation.

Mr. LA FOLLETTE. I ask to have the resolution lie upon the table, and I give notice that at the earliest possible time I shall call it up, at which time I shall submit some remarks upon it and some communications which I have received with respect to the subject.

The VICE-PRESIDENT. The concurrent resolution will be printed and lie upon the table.

D. RODNEY BROWNE.

On motion of Mr. FLINT, it was

Ordered, That on the application of D. Rodney Browne he is authorized to withdraw from the files of the Senate all papers accompanying Senate bill No. 5131, Fifty-eighth Congress, second session, entitled "A bill granting an increase of pension to D. Rodney Browne," there having been no adverse report thereon.

THOMAS GARRETT.

On motion of Mr. McCUMBER, it was

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 18236) granting an increase of pension to Thomas Garrett, the beneficiary named in the bill having died.

PILGRIMS' MONUMENT AT PROVINCETOWN, MASS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4370) to appropriate the sum of \$40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the Mayflower compact, which were, on page 1, line 5, to strike out "as a part contribution toward the erection of" and insert "to aid in erecting;" on page 2, line 8, after "Association," to insert:

And provided further, That the responsibility for the care and keeping of said monument shall be and remain with the Cape Cod Pilgrims' Memorial Association, it being expressly understood that the United States shall have no responsibility therefor.

Mr. LODGE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PRINCETON BATTLE MONUMENT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 333) in regard to a monumental column to commemorate the battle of Princeton and appropriating \$30,000 therefor, which was, in line 15, after "war," to insert:

And provided further, That the responsibility for the care and keeping of said monument and grounds shall be and remain with the Princeton Battle Monument Association, it being expressly understood that the United States shall have no responsibility therefor.

Mr. KEAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

WEIGHING OF THE MAILS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 54) authorizing a change in the weighing of the mails in the fourth section, which was, in line 4, to strike out all after "six" down to and including "six," in line 8, and to insert "the Postmaster-General is hereby authorized and directed to use the average daily weight of mails ascertained during the successive working days from February 20 to April 17, 1906, both inclusive."

Mr. DOLLIVER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolutions were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. J. Res. 162. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.; and

H. J. Res. 166. Joint resolution providing for payment for dredging the channel and anchorage basin between Ship Island Harbor and Gulfport, Miss., and for other purposes.

H. R. 17335. An act creating a United States district court for China and prescribing the jurisdiction thereof; was read twice by its title, and referred to the Committee on Foreign Relations.

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces; was read twice by its title, and referred to the Committee on the Library.

H. R. 19681. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement; was read twice by its title, and referred to the Committee on Indian Affairs.

AGRICULTURAL LANDS IN FOREST RESERVES.

Mr. CARTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment with an amendment as follows, so as to read in lieu of the Senate amendment and in lieu of the words stricken out, "except the following counties in the State of California: Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego;" and the House agree to the same.

THOS. H. CARTER,
FRANK P. FLINT,
FRED T. DUBOIS,

Managers on the part of the Senate.

JOHN F. LACEY,
S. C. SMITH,
JOHN L. BURNETT,

Managers on the part of the House.

The report was agreed to.

STATEHOOD BILL.

Mr. DILLINGHAM. Mr. President, at the request of the Senator from Indiana [Mr. BEVERIDGE], who is detained from the Chamber this morning by illness, I ask that the statehood bill, so called, may be printed showing the changes made by the conference committee, and I ask that the report may be also printed as a Senate document, the present supply having been exhausted.

Mr. FORAKER. Mr. President, I should like to make an inquiry of the Senator from Vermont as to when it will suit the convenience of the Senators having the conference report on the statehood bill in charge to call it up for consideration?

Mr. HALE. Mr. President, my attention was diverted for a moment, and I did not hear the Senator's inquiry.

Mr. FORAKER. The Senator from Vermont [Mr. DILLINGHAM] made a request in connection with the printing of the conference report on the statehood bill. I simply inquired when it would suit the convenience of those having the statehood bill in charge to call it up for consideration.

Mr. HALE. The Senator was not asking me?

Mr. FORAKER. No; I was asking the Senator from Vermont [Mr. DILLINGHAM].

Mr. DILLINGHAM. I suppose the report can be taken up at any time, but, of course, I would prefer that it should not be taken up until the chairman of the committee, the Senator from Indiana [Mr. BEVERIDGE], who has the matter more especially in charge, can be present. He was confined to his room yesterday, and informed me this morning that he was unable to go out. I do not understand that his illness is at all serious, and I expect him here at almost any time.

Mr. FORAKER. I will say to the Senator from Vermont that there are some Senators who want to be present when that matter is disposed of who desire to leave the city for a day or two, and I should like to have it disposed of at the earliest date. While I do not want to be unreasonable, I shall feel it my duty not to allow the conference report to lie indefinitely on the table.

Mr. DILLINGHAM. I do not believe there is any disposition to delay the matter.

Mr. FORAKER. No, I am sure there is not; but I want to say to the Senator that it will be very inconvenient to some of us if we can not have the report taken up and disposed of at an early day.

Mr. SPOONER. And the Senator from Ohio might add "or to have it taken up inopportunistly."

The VICE-PRESIDENT. The Senator from Vermont asks that the statehood bill may be printed with the amendments agreed to by the conference committee indicated in the bill, and that the report also be printed. In the absence of objection, that order will be made.

REGULATION OF RAILROAD RATES.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Are there further bills or joint resolutions?

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. The Senator from Maine.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The VICE-PRESIDENT. The morning business is not yet closed. Does the Senator from Maine insist upon his motion?

Mr. HALE. I think, Mr. President, it is important that the naval appropriation bill should be considered, and practically all the morning business has been disposed of—

Mr. TILLMAN. Mr. President, I have the floor. I yielded to the Senator from Maine, and the Chair had not announced that the morning business was ended. I am very anxious to get the conference report on the rate bill in such shape that the conferees can go to work on it again. I do not think it will lead to any discussion; at least I hope it will not; and if the Senator from Maine will kindly give way, or consent that this matter shall be first taken up, I will be obliged to him. He gave notice that he wanted to get the naval appropriation bill up after the morning hour, and it is nearly three-quarters of an hour yet before 2 o'clock.

Mr. ELKINS (to Mr. HALE). I hope the Senator from Maine will yield to the Senator from South Carolina.

Mr. HALE. Well, Mr. President, I do not think that I am assuming too much when I say that the Senate evidently intends to send that report back to the conference committee.

Mr. TILLMAN. We expect that, Mr. President.

Mr. HALE. I think the Senator expects that. He has been here long and discerns the signs of the times. Now, I have no objection, if it can be understood by the Senate that when the report is sent back to the conference committee it shall be dispossessed of all items that involve new legislation, unconsidered and not adopted by either House—that is, that all new matter shall be struck from the bill—

Mr. TILLMAN. Will the Senator yield to me for a moment?

Mr. HALE. Let me complete my remarks.

Mr. TILLMAN. I was going to ask the Senator if he not assuming a good deal, if he will permit me to say so, when he undertakes to indicate the line of work that the conferees shall follow, when it is contrary to the rules for the Senate to instruct conferees? I think the conferees can be trusted to examine for themselves what are the rights of the Senate, as well as what are their powers and duties, and that they can also be trusted to perform those in good faith; and I object, and shall continue to object, to have the Senator from Maine undertake to indicate what he feels and intends that we shall do. I want the Senate to say that.

Mr. HALE. I have not indicated a single proposition which the committee of conference has injected into this report. The Senate, I say again, very evidently means that the report shall go back. Now, it can go back after spending a day here in debating and delaying appropriation bills. I do not pretend to say what the amendments are; the conferees know well enough what they have put in that is new matter. If the time of the taking effect of the legislation should not be for sixty days, in order that the machinery might be set going, that can be effected by a joint resolution providing for it that will go through the Senate and the House in three minutes. It is not necessary for the conferees to assume to put such a provision into the bill. Time and again since I have been a member of the Senate a measure has been put into operation or postponed by a joint resolution.

Now, what I want is to do business. It is my desire that the Senate shall proceed to the consideration of the appropriation bill, but if the Senator gets up his conference report it may give rise to discussion here which will occupy the whole day.

Mr. TILLMAN. It has to be discussed some day, and I do not see the difference between discussing it to-day and to-morrow. The conference report may give rise to debate, but I do not think the Senator from Maine is justified in assuming that the Senate is going to do one thing or the other, and to instruct the conferees—

Mr. HALE. I do not propose to instruct the conferees.

Mr. TILLMAN. I contend that I have the floor, and I am appealing to the Senate to take up the report. If the Senate wants to take up the naval bill, I will bow, of course, to the will of the Senate.

Mr. HALE. I have no more interest in getting the business of the Senate done than any other Senator here. I said this morning that I thought it was good business to take up the appropriation bills and pass them. The consideration of the conference report can be proceeded with at any time. If the Senate wants to take it up this morning, I will withdraw my motion, and the Senator can move to proceed to the consideration of it.

Mr. TILLMAN. That is all I ask. If the Senate prefers to take up the naval appropriation bill, I certainly shall consent, and have no objection at all.

Mr. LODGE. Mr. President—

Mr. TILLMAN. Let me make the motion, and then—

Mr. LODGE. The motion is not debatable.

Mr. TILLMAN. There is a way to get the report back to the conferees. I would have asked to withdraw it but for the fact that the conferees can not get the report back except by unanimous consent. I move that the Senate proceed to the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. The Senator from South Carolina moves that the Senate proceed to the consideration of the conference report on the bill which will be stated by title.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The motion was agreed to.

PROPOSED ISLE OF PINES INVESTIGATION.

Mr. MORGAN. I ask that Senate resolution No. 103 may go over until to-morrow, with the privileges that now belong to it.

The VICE-PRESIDENT. Without objection, it is so ordered.

REGULATION OF RAILROAD RATES.

The Senate resumed the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TILLMAN. I think it is due the conferees and due the Senate that the conferees should make an explanation.

Mr. HALE. If I had known that this matter was to be debated, I would not have withdrawn my motion.

Mr. TILLMAN. It will not take three minutes.

Mr. FORAKER. It will take three minutes, and more than that. I want to make some remarks on this report before it is disposed of. I think we ought to express ourselves as to some of the changes made in the report, in order that the conferees may have the benefit of our views.

Mr. HALE. I wish to make a motion, Mr. President.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. I do.

Mr. LODGE. Mr. President—

Mr. HALE. I move that the Senate proceed to the consideration of—

Mr. TILLMAN. Mr. President, I am in possession of the floor.

The VICE-PRESIDENT. The Chair asked the Senator from South Carolina if he would yield to the Senator from Maine, and he yielded.

Mr. TILLMAN. Not for the purpose of making a motion.

Mr. HALE. I can move at any time that the Senate proceed to the consideration of a bill. Evidently this matter is going to lead to debate, and I object to that.

Mr. BAILEY. The Senator from Maine, as he says, can make a motion to take up a bill, provided he has the floor. But he can not take a Senator off the floor when he is in charge of a bill.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I should like to make my explanation first. However, I yield to the Senator from Massachusetts.

Mr. LODGE. The idea that we can discuss and dispose of this matter in three minutes had better be given up. There is a mass of new matter in the conference report to which attention has been called.

Mr. HALE. I simply wish to give notice that when the Senator from South Carolina has finished his remarks, if the Chair will recognize me, I will move to proceed to the consideration of the naval bill.

Mr. TILLMAN. I hope the Senator will not do that, and that we may proceed with the report until 2 o'clock.

Mr. HALE. I expected to get the bill up an hour ago.

Mr. TILLMAN. I want to make an explanation, and then the Senate will do as it pleases, of course.

Mr. President, as a Senator who has been burned, so to speak, by the action of conferees exceeding their powers and authority, mention of which has been made several times by me in this body, I would be the last man to go beyond the rule that I have sought to have others obey—not to inject new matter or to exceed the powers of a conference committee. The words which have been put into this bill by the conference committee which are new, and in inserting which we knew we exceeded our authority and for which we expect to take the responsibility, are few, and as to them we throw ourselves on the good nature and mercy of the Senate. In our desire to make the bill workable, and in order to make it clearly understood and to make it a matter that would not be subject to litigation, we did undertake to put in, in three or four places, words where we had no authority to put them in.

If Senators will kindly follow me, each Senator can learn what we have done and what we had no rightful power to do. On the top of page 12 of the last print—June 2—the words "transportation or facilities" were inserted after the word "traffic" at the end of the preceding line. It is not necessary to state the reason why those words were put in, but it seemed to us that it was necessary to clarify the matter with respect to contracts, agreements, or arrangements which are to be filed with the Commission. If the point of order is made against those words in the Senate, or whether or not it is, I think the conferees will take them out. I for one will vote to take them out. We had no right to put them in.

Page 21, line 9: The words "or transportation" are inserted where we had no authority or right to put them in. The reason why we put those words in will be found in line 17, where we inserted the words "rates or." This was all one sentence, and it related to a general and specific subject, and the word "rates" being in the first place and the word "transportation" being in the second place, the conferees thought it best to make it uniform, so that the two allusions should be to the same subject. As I said a while ago, knowing we had no right to put them in, but endeavoring to make the bill workable, we put them in, and we take the responsibility. There can be no pretense of any deception, and if the Senate wants to take them out, I shall be glad to have them taken out.

That makes three words that have gone in. On page 40—

Mr. BACON. Will the Senator from South Carolina permit me to ask him a question?

Mr. TILLMAN. With pleasure.

Mr. BACON. I understand that the matter on page 21 is as the bill came from the House and was in nowise amended by the Senate.

Mr. TILLMAN. The Senator is not correct. The words printed in capitals in lines 9 and 10 are new matter, inserted by the conferees and agreed to by neither House. The words "in its judgment" and "and fairly remunerative" were stricken out by the Senate, and the conferees have agreed to leave them out.

Mr. BACON. The words inserted by the conferees are inserted in a clause that was not amended by the Senate.

Mr. TILLMAN. That is it. That is a question for the parliamentarians to determine.

The next amendment, which we knew we had no authority to put in, or at least as to which we were doubtful of our authority, is on page 40. We there inserted the words:

Said Commission shall appoint a secretary, who shall receive \$5,000 compensation annually, and an assistant secretary, who shall receive \$4,000 compensation annually.

I have consulted the clerk of the Appropriations Committee, who has had a good deal to do with making up conference reports and with the compilation of all the rules that we have got on that subject—in other words, the manual reported May 15, 1902, by Mr. ALLISON, from the Committee on Appropriations, and prepared by Mr. Cleaves. I asked Mr. Cleaves whether or not the amendment on page 40, the words I have just referred to, was amenable to the point of order. He said frankly, "I do not know." But the reason for putting those words in was this: Section 24, the whole section, relating to the composition and salary of the Commission, was stricken out by the Senate. In it the number of the Commissioners was seven and the salary was \$10,000, an increase of two Commissioners over the number agreed to by the Senate and an increase in salary of \$2,500 each. The House conferees demanded that we should restore this provision—they did not demand anything; they requested. The conference was pleasant and agreeable, and

everybody labored earnestly to get the best possible bill out of the conflicting opinions of the two Houses. But, anyhow, the House requested and urged the Senate conferees to reinstate the section. Taking into consideration the fact that the change involved in this law will vastly increase the work of the Commission and that the dignity and power of the Commissioners are recognized by an increase of salary, the Senate conferees felt that the responsibility of this additional labor at least warranted an increase in salary in this direction. Appreciating the fact that the secretary would be the responsible officer necessarily charged with a great many duties that the Commissioners would not be able to see after, we felt that if \$10,000 was a proper salary for a Commissioner, it was almost necessary that there should be an increase in the salary of the secretary.

Mr. HALE. Will the Senator allow me?

Mr. TILLMAN. Let me get through.

I will say right now that while I have noted that a good deal of the personal equation enters into this question, and that there is some opposition, my view of a legislator's duty is not that he is to consider men, but measures, and to make a symmetrical and workable and properly adjusted law, and therefore we felt that we had the right to insert this clause. Therefore the Senate conferees agreed to the suggestion for an increase in the salary of the secretary, and for the appointment of an assistant secretary.

Mr. HALE. I think there is where the conference committee has gone beyond its power. When you come to the Commissioners, the matter was fairly in issue between the two Houses on the compensation of the Commissioners and the additional number. The House put in two more Commissioners and increased the salary. The Senate struck it out, and left only five Commissioners at the old salary. But as to the secretary, neither House had increased the salary. The Senate declined to increase it.

Mr. TILLMAN. The Senate also declined to increase the number or the compensation of the Commissioners.

Mr. HALE. Then the committee has created a new office absolutely. The Senator of course understands—

Mr. TILLMAN. I want to call the Senator's attention and the attention of other Senators to the fact that the rules as to conference reports, as I have studied them—and I have done a little of it—are very lax.

Mr. HALE. They ought not to be.

Mr. TILLMAN. I do not know what the other conferees will do. I know what I shall do in regard to this proposition.

That leaves only one question in which we clearly exceeded our power. That was on page 41, section 11, No. 51, where without authority or power we inserted the words "sixty days." We did it on the theory that it was utterly impossible for this bill to go into effect immediately without creating an immense amount of friction and disturbance in the working of the machinery of the railroads. All the railroads will have to prepare and publish their rates. It was impossible that this law should go into effect immediately. It would have been better, probably, to have called this an oversight, and to have passed a joint resolution, and probably it would have been better to have done the same thing with regard to other new matter which we injected. We intended at no time to do other than to explain and to throw ourselves upon the mercy of our colleagues and say, "Gentlemen, we have done what we think is proper and wise under the circumstances. If you want to stick by the letter of the rules, of course we will obey your orders."

With this explanation I feel that everything in this bill that is subject to a point of order has been mentioned. There may be a difference of opinion in regard to two or three other matters, but I hope that the motion to disagree to the conference report will now be agreed to, and let the matter go back. Yet I am ready to discuss any question that Senators wish to discuss.

Mr. FORAKER. I call the attention of the Senator from South Carolina to the fact that there appears to be new matter on page 7. I did not hear the Senator address himself to that. I should like to have an explanation as to why that was inserted by the conferees, especially in view of the fact that it was considered in the committee and was offered in the Senate and was voted down.

Mr. TILLMAN. I will make such explanation as I myself have. The matter printed in italics is a Senate amendment, and the words in capitals are the words proposed by the House conferees to the Senate amendment. A point of order can not be made, because they are clearly a legitimate part of this provision. My attention and that of the country has been called to the fact that some of the trunk lines in the United States, through lines, engaged in interstate commerce, have denied, in an infamous and tyrannical spirit of forgetfulness of the rights of

citizens, the privilege of physical connection between their own lines and lines that sought to connect with them. The case of the Red Rock Fuel Company, in West Virginia, has been notably cited in this connection.

Mr. FORAKER. The Senator certainly knows that I do not want, under the circumstances, to enter into a discussion of the merits of this proposition. I understood the Senator to say that he had commented on all the new matter in the bill.

Mr. TILLMAN. All the new matter subject to a point of order.

Mr. FORAKER. I understand that that is entirely new matter. It was something that was not in the bill. The Senator from West Virginia offered it as an amendment, in order that he might get it into the bill. We voted that it should not go into the bill. I am not speaking of the merits of it. When it comes to that, I shall take more time than I now propose to consume. But inasmuch as the Senator said that he had commented on all the new matter in the bill, I wanted to call attention to this, which I think is the first important new matter put into the bill, and just as important as anything put in the bill.

Mr. TILLMAN. There is new matter relating to passes. It is entirely different from anything the Senate conceived.

Mr. FORAKER. The Senate adopted a provision in relation to passes, prohibiting them with certain exceptions. The conferees do away with the exceptions. That I understand to be the function of conferees. There is nothing new about that. They had a right to do that. I shall discuss that later on. I do not want to occupy more than two or three minutes of time.

Mr. TILLMAN. I have no objection to the conference report being disagreed to in order to get it back, but if Senators want to debate it—

Mr. FORAKER. I want the conferees to have the benefit of my views, if they wish them.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Maine?

Mr. FORAKER. I yield.

Mr. HALE. I have given notice that I shall call up the appropriation bill. At the termination of the Senator's remarks I shall make the motion.

Mr. FORAKER. I understood that the Senator from Maine wanted to proceed with the appropriation bill, and as I did not rise to discuss the merits of this report, but only to call the attention of the Senator from South Carolina to the fact that he omitted to mention one provision which I think was new matter, I only wanted to call attention to it so that we might not appear to be acquiescing in his statement that he had discussed all the new matter there was. At another time, if it be not convenient at this time to do it, I want to say something, not very much.

The VICE-PRESIDENT. The Chair recognizes the Senator from Maine.

Mr. HALE. I move—

Mr. ELKINS. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from West Virginia will state his parliamentary inquiry.

Mr. ELKINS. I understand the Senator from Maine has not the right to intervene with a motion when a motion is pending to disagree to the conference report. There is a motion pending before the motion of the Senator from Maine, and I think the Senate is entitled to have a vote on that motion.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

Mr. NELSON. Mr. President, I make a point of order on that motion, and my point of order is this: When a conference report is pending here and the question is upon adopting or rejecting that report, a motion upon another subject-matter is not in order. Any motion in reference to the conference report is in order, but a motion to bring up another subject is not in order while that matter is pending.

Mr. ELKINS. That is precisely the point I wished to make. The Senator in charge of the conference report has made a motion, and it is before the Senate. I do not see how the Senator from Maine, with his desire to push the appropriation bill and to push everything else out of the Senate, can urge it on the consideration of the Senate at this time and ignore a motion made by a Senator on an important question to have the conference report recommitted, so that we can go to work upon it. I want to assure the Senator from Maine he will not gain any time by such a course. He says he wants to get away before July, but it will be far in July before we get away if he persists in this course.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. I must insist on my motion.

Mr. NELSON. I insist on the point of order.

Mr. LODGE. I wish to call the attention of Senators to Rule IX:

The Calendar of General Orders shall be taken up and proceeded with in its order, * * * and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

That is of the highest privilege and takes precedence of everything except the motions specified.

Mr. NELSON. Not when a privileged motion is pending.

Mr. LODGE. It takes precedence of everything. Language can not be plainer.

The VICE-PRESIDENT. The Chair overrules the point of order and holds that the motion of the Senator from Maine is in order under Rule IX.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following act:

On June 1:

S. 6038. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill.

Mr. TILLMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I do not see him in the Chamber. If he has not voted, I withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent from the Chamber. I transfer my pair to the Senator from Idaho [Mr. HEYBURN], and vote "yea."

The roll call was concluded.

Mr. PETTUS (after having voted in the negative). I am paired with the junior Senator from Massachusetts [Mr. CRANE]. I understand that he is not present, and I withdraw my vote.

The result was announced—yeas 27, nays 20, as follows:

YEAS—27.

Allee	Foraker	Knox	Smoot
Brandegee	Fulton	Lodge	Spooner
Bulkeley	Gallinger	Long	Sutherland
Burnham	Hale	McEnery	Warner
Dillingham	Hopkins	Perkins	Warren
Dolliver	Kean	Piles	Wetmore
Flint	Kittredge	Scott	

NAYS—20.

Ankeny	Cullom	McCreary	Patterson
Bacon	Dubois	Martin	Stone
Bailey	Elkins	Money	Taliaferro
Burkett	La Follette	Nelson	Teller
Clay	Latimer	Overman	Tillman

NOT VOTING—40.

Aldrich	Clark, Mont.	Frazier	Millard
Alger	Clark, Wyo.	Erye	Morgan
Allison	Clarke, Ark.	Gamble	Newlands
Berry	Crane	Gearin	Nixon
Beveridge	Culberson	Hansbrough	Penrose
Blackburn	Daniel	Hemenway	Pettus
Burrows	Depew	Heyburn	Platt
Carmack	Dick	McCumber	Proctor
Carter	Dryden	McLaurin	Rayner
Clapp	Foster	Mallory	Simmons

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the customary course be taken—that the formal reading of the bill be dispensed with, and that the amendments of the committee be first considered.

Mr. ELKINS. I object. I ask that the bill be read in full.

The VICE-PRESIDENT. Objection is made, and the Secretary will proceed to read the bill.

Mr. HALE. I hope the Senator from West Virginia will not insist on that course. Nothing but a loss of time will result from reading the entire bill through. I never knew it to be done in the consideration of an appropriation bill.

Mr. BACON. Mr. President, we always desire to hear the Senator from Maine on this side and we are very seldom able to do so here, because he always speaks in a conversational tone.

Mr. HALE. When the Senate is in order I have always been able to make myself heard. I was saying that I hope, on reflection, the Senator from West Virginia will not insist on doing what I never knew done in the consideration of an appropriation bill. It will be only so much time lost in first reading the bill through. We always dispense with the formal reading and then take up the amendments of the committee as they are reached. But the Senator has the right, if he chooses to occupy the time. I hope, on reflection, he will not insist on objecting to my request.

Mr. TILLMAN. Will the Senator allow me?

Mr. HALE. Certainly.

Mr. TILLMAN. I wish to add my plea to that of the Senator from Maine, and beg the Senator from West Virginia not to consume any more time in this matter than it is necessary for us to do. It is not going to accomplish anything, because Senators can read the bill as they go along. There are necessarily some questions here that will be discussed. The Senator from Maine has expressed my views and feeling this morning in regard to hurrying up the work of the session and getting away some time before the hot weather makes Washington so uncomfortable that we will hardly be able to discharge our duties properly here. I hope the Senator from West Virginia will yield and let the bill be taken up in the ordinary course.

Mr. ELKINS. I am not on the Naval Committee, and I do not know what is in the bill. I asked the Senator from Maine and pleaded with him to allow us to have a vote on the very important motion made by the Senator from South Carolina. He refused to do it. I might as well state that. I told him it would take a little more time if he insisted on that course; and if I have a right to hear the bill read I want to have it read.

Mr. HALE. I am not seeking to get the bill up to the prejudice of the rate bill. I want to have that bill passed. It was not I that did this; the Senate did it. A half dozen Senators about me assured me that if this bill was not taken up the entire day would be consumed by debating the other matter. Under those conditions I felt that it was my duty to give the Senate a chance to help along the appropriation bills. Now, the Senator has a right, notwithstanding all appeals, to have the Senate spend an hour in the reading of the bill. Nobody will listen to it. Everybody will go off to luncheon.

Mr. CULLOM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Illinois?

Mr. HALE. I yield the floor. I have said all I wish to say.

Mr. CULLOM. I am not trying to interfere in this matter, but I wish to say to my colleague on the committee that I voted "nay" against taking up the appropriation bill, and for the reason that I was in hopes we could get a vote on the other measure, so that we could reconsider and take out of the railroad rate bill whatever seemed to be in there improperly. But we were beaten, and now in the interest of progress and of getting through the session some time, I hope the Senator will allow the bill to go on in the usual way.

Mr. ELKINS. I think we can adjourn about the 20th of July. Then let us fully understand what is in the appropriation bill.

The VICE-PRESIDENT. Objection is made.

Mr. SPOONER. The sooner we get through with this bill the sooner we will get to the conference report on the rate bill.

Mr. ELKINS. I am indifferent when we get to the conference report. The Senate has not allowed us to take it back to the conferees, and I am entirely indifferent as to whether it goes back there for two weeks.

Mr. SPOONER. The Senator from West Virginia is always pleasant except when he is wrong. He is not dealing simply with the Senator from Maine; he is dealing with a matter which involves the convenience of every Senator in this Chamber. We are all anxious to get through with the business of the session as rapidly as can properly be done. The Senator is simply filibustering to delay—that is the operation of it—the disposition by the Senate of the conference report on the rate bill. It accomplishes no purpose at all, except to take time. It accomplishes no useful purpose whatever. I believe every Senator here would be glad to have the Senator from West Virginia withdraw his demand for the formal reading of the bill. I sincerely hope he will do it.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill and read to line 13 on page 24.

Mr. CLAY. I do not understand the paragraph beginning on page 3, line 9, "For commissioners and interest." Does it mean pay for commissions and interest?

Mr. HALE. The bill is now not being read for discussion, but simply the formal reading. The Senator can come back to that afterwards.

Mr. CLAY. I beg pardon. I thought the objection to the formal reading of the bill had been withdrawn.

Mr. HALE. No; the Senator from West Virginia insists upon it.

Mr. ELKINS. I did want to know what is in the naval appropriation bill, and I wanted the Senate to know, but, yielding to the solicitation and appeals of some of my colleagues, I withdraw my demand for the formal reading of the bill. I hope the next time when a motion is made to proceed to the consideration of some question the Senator from Maine will allow that motion to be put before he projects and injects the naval appropriation bill.

Mr. HALE. The demand is withdrawn, and I renew my request.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be first considered. Without objection, it is so ordered.

Mr. MONEY. I did not understand the Chair exactly; I beg pardon, but I rise to inquire whether the proposition was that all the committee amendments be accepted?

The VICE-PRESIDENT. No; that they be considered as they are reached in the reading of the bill and acted upon before other amendments are proposed. The first amendment of the committee will be stated.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay of the Navy," on page 2, line 6, after the word "constructors," to insert:

For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them.

The amendment was agreed to.

The next amendment was, on page 2, line 25, after the word "million," to insert "two hundred and sixty-nine thousand six hundred and thirty-seven;" so as to read:

And 2,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, \$20,269,637.

The next amendment was, on page 3, line 1, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in line of duty.

The amendment was agreed to.

The next amendment was, under the subhead "Pay, miscellaneous," on page 4, line 9, after the word "dollars," to strike out the following proviso:

Provided, That hereafter in cases where orders for travel are given to officers of the Navy or Marine Corps, the Secretary of the Navy in his discretion may direct that either mileage or else their actual and necessary expenses only shall be allowed.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

To reimburse officers and enlisted men of the Navy and Marine Corps who were on duty under orders in San Francisco during the recent fire in that city for losses of clothing and other personal effects sustained by them through said fire, \$7,000, or so much thereof as may be neces-

sary: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Navy and upon vouchers to be approved by him in each case.

The amendment was agreed to.

The next amendment was, on page 4, after line 22, to insert:

That all officers of the Navy below the grade of rear-admiral, with creditable records, including those retired with the relative rank of commodore, who served during the civil war, and who were honorably retired prior to the passage of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, shall be advanced on the retired list one grade above the grade or rank now held by them, to take effect from the date of the approval of said act; and that rear-admirals retired prior to the passage of said act shall receive the same pay as officers of the Navy of corresponding grade who have been retired under said act: *Provided*, That this act shall not apply to any officer who has received an advance of grade since his retirement or has been restored to the Navy and placed on the retired list with promotion thereon by virtue of the provisions of a special act of Congress. This provision shall in no case authorize any claim for back pay and shall have effect only for the future, and shall also apply in like manner to officers of the Marine Corps.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to insert:

That officers of the Marine Corps with creditable records who served during the civil war and were retired prior to 1904 shall receive the full benefit of the act approved April 23, 1904, in so far as the same provides for the promotion of civil war veterans to the next higher grade above that at which they were retired.

The amendment was agreed to.

The next amendment was, at the top of page 6, to insert:

That the provisions contained in section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," reading as follows: "*Provided*, That such officers when on shore shall receive the allowances, but 15 per cent less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section 12 of this act," be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 6, line 24, after the word "seven," to insert the following additional proviso:

And provided further, That a sum not to exceed \$5,000 may be expended by the Secretary of the Navy for legal advice out of this appropriation.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

The solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank, highest pay, and allowances of a commander.

Mr. FULTON. I ask the Senator from Maine for an explanation in regard to this paragraph. I understand that the solicitor is a civilian. Why should he be given the rank of a commander? I have no objection to giving him the pay and allowances of a commander if that be important, but why give him the rank?

Mr. HALE. It is one of those things that occasionally have been done. Of course the object is to keep a very good man, a very good lawyer in this part of the naval establishment, which has got to be so large that it needs his services. It is an encouragement to the good lawyer who is there, whom everybody knows about, Mr. Hanna, who is the wheel horse and does the work. The Department has no solicitor, as some Departments have, and it was thought nothing more than commensurate with his work and his ability that he should be given a permanence. It is undoubtedly a thing not often done, but the committee thought it was wise to give him the permanence which is provided in the amendment reported by the committee.

Mr. FULTON. I should like to ask the Senator if he takes rank as a commander would not that entitle him to promotion in line and ultimately he might be eligible to the command of a battle ship? It has been suggested to me by those who are better acquainted with the workings of the Navy Department than myself that it would have that result.

Mr. HALE. I think that is a good suggestion. It was intended that this should be the ultimate rank and pay. There is no objection to making it read "rank, highest pay, and allowances of a commander, and of no higher rank." I think that is a good suggestion.

Mr. CLAY. I should like to ask the Senator about the preceding amendment. I do not remember that we have heretofore had any such item. It is a small amendment:

And provided further, That a sum not to exceed \$5,000 may be expended by the Secretary of the Navy for legal advice out of this appropriation.

Is there not a legal officer of the Department to give legal advice on questions that may arise?

Mr. HALE. The Department has grown to be very large, and it has not a solicitor. Occasionally there are matters coming up, not here, but in reference to matters outside, at navy-yards, where, instead of having a man all the time, the Secretary can

call in a good lawyer and pay him a \$500 fee for work, and then it is ended.

Mr. CLAY. I do not remember an appropriation of this kind heretofore.

Mr. HALE. The Secretary asked for it.

Mr. SPOONER. What has been the statutory designation heretofore of this gentleman in the office of the Judge-Advocate-General?

Mr. HALE. He is solicitor in the Judge-Advocate-General's office.

Mr. SPOONER. Is that the term in the statutes?

Mr. HALE. It is what he is. The Senator is a lawyer and understands the great importance of having a good permanent lawyer there. The Judge-Advocate's department is not presided over by a lawyer. A naval officer is generally taken. The Judge-Advocate, I say, is not a lawyer, and some lawyer has got to do the work of that department.

Mr. SPOONER. Military rank has been given in the War Department to civilians who have had long service there.

Mr. HALE. I had that in mind when I said that sometimes we do rather extraordinary things.

Mr. SPOONER. Is it anticipated that this will be followed hereafter by additional legislation?

Mr. HALE. I do not suppose there will ever be additional legislation, if this passes. We have in the War Department a man doing purely clerical work and I do not know but that he is a major-general.

Mr. GALLINGER. He is a major-general. The Senator from Colorado [Mr. TELLER] knows something about the merits of this man. He is a very worthy and very modest man.

Mr. SPOONER. I do not question that.

Mr. HALE. And he never appeared before the committee.

Mr. TELLER. I have known the gentleman mentioned by the Senator from Maine [Mr. HALE] for a great many years. He was an employee in the Department while I was Secretary of the Interior and was very close to me. He is a man of unquestioned legal talent and of excellent character. He has been for many years in the office, and I am sure he is well qualified for the place which it is proposed to give him. He has never said anything to me about preferment of this kind. He certainly has not importuned me at all. He is entirely too modest to do that.

Mr. SPOONER. I think this gentleman is a man of fine qualifications as a lawyer, and I know he is a modest man.

Mr. TELLER. Very.

Mr. SPOONER. He has served with great fidelity, but, at the same time, there is something objectionable about this provision. I do not object to him. What I do not like about this legislation is that under it every succeeding solicitor will take this rank. I do not object to the pay and allowances. What we did after the war in the War Department was abnormal; it was done rather as a matter of reward to men who had rendered valuable service; and it would not have been done, I think, but for that. I want to limit the provision now to this gentleman—

Mr. HALE. I think that is right.

Mr. SPOONER. Instead of making it a permanent provision.

Mr. HALE. I have been casting about for language to effect that object. If you put it that this shall only apply to one appointment of a solicitor—

Mr. CLAY. Would not that be rather unusual?

Mr. HALE. It would, undoubtedly.

Mr. CLAY. Would it not be very unusual to make it apply to one particular man?

Mr. SPOONER. I think there is a precedent for it. We can hunt up language. I think there is a similar provision in the law as to the Army.

Mr. HALE. We can not say that the President shall appoint a particular man; but we can fix language that will make it apply only to this single appointment. I think that is a proper thing to be done.

Mr. TILLMAN. I hope the Senator from Maine will frame such an amendment. I was not in the committee when this matter came up; in fact, I was not in the city when the committee considered this provision; and while this is a very worthy gentleman, a very valuable officer, I have some misgivings and objections to making a perpetual position in the Navy for a civilian. We might get a bad one next time, when this man dies, and make him a commander, whether he is really a great lawyer or a valued officer, or whether he is merely a political favorite. It is a precedent that I do not like. I hope that the provision will apply to this man only, and I shall be glad to agree to an amendment which will accomplish that object.

Mr. HALE. Then I suggest, after the word "commander,"

in line 6, to insert "and of no higher rank: *Provided*, That only one appointment shall be made hereunder."

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 7, line 6, after the word "commander," it is proposed to insert "and of no higher rank: *Provided*, That only one appointment shall be made hereunder."

The VICE-PRESIDENT. In the absence of objection—

Mr. BACON. I was out of the Chamber for a moment, and I desire to ask a question simply for information. I caught only the closing words of what was said by the Senator from Wisconsin [Mr. SPOONER]. If I understood him correctly, this provision relates to a particular individual. Am I correct in that?

Mr. HALE. Yes.

Mr. BACON. If the Senator from Maine has already given an explanation, I shall not ask him to repeat it, because I can see it in the RECORD; but if he has not made such explanation, I should be glad to have him do so now.

Mr. HALE. I have already explained it.

Mr. BACON. Then I shall read it in the RECORD.

Mr. HALE. Now, I ask the Secretary to again state the proviso which I have proposed.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Provided, That only one appointment shall be made hereunder.

Mr. SPOONER. No; that will not do.

Mr. HALE. No; I see that will not do. Perhaps it should be "and that when a vacancy occurs in this office, no new appointment shall be made."

Mr. SPOONER. That will not do.

Mr. HALE. Why not?

Mr. SPOONER. If you once establish the office of solicitor, who is to be appointed by the President by and with the advice and consent of the Senate, you will have the solicitor always, and the limitation which is made here simply goes to the rank. I think we had better pass this provision for the present.

Mr. HALE. Very well.

Mr. SPOONER. Language can be found to cover this case, I think.

Mr. HALE. Let it be passed over for the present, Mr. President.

The VICE-PRESIDENT. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Navigation," on page 7, line 14, after the word "thereof," to strike out "transportation to the places of enlistment, or to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on account of expiration of enlistment, with subsistence and transfers en route, or cash in lieu thereof;" so as to read:

Transportation, recruiting, and contingent: Transportation: For the transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof, transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof, etc.

The amendment was agreed to.

The next amendment was, in line 24, after the word "dollars," to insert the following proviso:

Provided, That hereafter enlisted men, discharged on account of expiration of enlistment, shall receive in lieu of transportation and subsistence, travel allowance of 4 cents per mile from the place of discharge to the place of enlistment, for travel in the United States.

The amendment was agreed to.

Mr. SPOONER. I do not rise to the amendment which has just been agreed to, Mr. President, but I rise for the purpose of asking the Senator from Maine to give me the authority upon which discharges from the Navy are paid for.

Mr. HALE. My attention was diverted for a second. Will the Senator kindly repeat his question?

Mr. SPOONER. As I understand it, though it has not often happened, men discharged from the Navy sometimes pay for their discharge.

Mr. BACON. I think not.

Mr. SPOONER. It has happened.

Mr. BACON. That is not the law now.

Mr. SPOONER. It is the practice as to the Army, but I know of no law which provides for it, and my purpose is simply to ascertain from the Senator from Maine under what authority, if any, that is done.

Mr. BACON. If I understand correctly, there is now no authority under which an enlisted man can buy a discharge from the Navy. It is limited to the Army.

Mr. SPOONER. I do not know of any statutory authority under which an enlisted man buys his discharge from the Army.

Mr. BACON. He does it under the order of the War Department; but the order of the Navy Department does not permit it.

Mr. SPOONER. That is precisely what I want to get at—what authority has the War Department or the Navy Department to make any such order?

Mr. BACON. I did not catch what the Senator said.

Mr. SPOONER. What authority in law has the War Department or the Navy Department to make any such order? If a man ought to be discharged, if he presents a good reason to the Department for his discharge, by what authority is it made a condition precedent to this discharge that he shall pay for it?

Mr. HALE. That is a new matter to me.

Mr. SPOONER. I sought to procure the discharge of a man from the Navy on very strong grounds, but was informed that that was the rule; that he must purchase his discharge.

Mr. HALE. I do not know to what rule the Senator refers. There is not, so far as I know, any rule in the Army or Navy by which a man can buy his discharge.

Mr. WARREN. Mr. President, I think that the rule has not been practiced as broadly as has been stated, but it has been customary in certain cases to discharge men where they are the sole support of a dependent father or mother. There are other cases where the same degree of responsibility may not rest upon a man, but having served a part of his term he buys his unexpired time—this, when he desires to enter into, in some degree, the care of his dependent or semidependent relatives or for other acceptable reasons. Whether it is a good or bad practice is a matter that we are not passing upon now, but the law provides for it. These discharges are rather unusual and are resorted to in not a large percentage of enlistments.

Mr. WARREN subsequently said: When the question was up a moment ago about the authority of the War Department to discharge enlisted men, either by favor or upon the men buying and paying for unexpired time, I made a few remarks, and I ask permission to insert in the RECORD the statutes governing the same, which are section 4 of the act of June 16, 1890, as follows:

Sec. 4. That in time of peace the President may, in his discretion and under such rules and upon such conditions as he shall prescribe, permit any enlisted man to purchase his discharge from the Army. The purchase money to be paid under this section shall be paid to a paymaster of the Army and be deposited in the Treasury to the credit of one or more of the current appropriations for the support of the Army, to be indicated by the Secretary of War, and be available for the payment of expenses incurred during the fiscal year in which the discharge is made.

And section 30 of the act of February 1, 1901, as follows:

Sec. 30. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter otherwise direct: *Provided*, That in the event of the enlistment of a soldier in the Army for the period required by law, and after the expiration of one year of service, should either of his parents die, leaving the other solely dependent upon the soldier for support, such soldier may, upon his own application, be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

I also ask that War Department General Orders, No. 4, dated January 8, 1906, may be printed in the RECORD without reading.

The matter referred to is as follows:

General Orders, No. 4.]

WAR DEPARTMENT,
Washington, January 8, 1906.

General Orders, No. 48, War Department, March 15, 1904, is hereby rescinded and the following substituted therefor:

Under the provisions of section 4 of the act of Congress approved June 16, 1890, the President has prescribed the following rules governing the purchase of discharge from the Army, and they are published for the information and guidance of all concerned:

1. In time of peace, except as hereinafter provided, any enlisted man who has completed one year's service as such, and is not undergoing punishment or under charges, may obtain the privilege of purchasing his discharge, subject to the approval of the authority competent to order it. The price of purchase will consist of the travel allowances due on discharge, which will be retained by the United States in all cases, and in addition thereto the following:

After one year's service, \$120.

After two years' service, \$100.

After three years' service, \$90.

After four years' service, \$85.

After five years' service, \$80.

After six years' service, \$65.

After seven years' service, \$60.

After eight years' service, \$55.

After nine years' service, \$40.

After ten years' service, \$35.

After eleven years' service, \$30.

Service in the Regular Army only will be considered, and such service is not required to be continuous in determining the purchase price of discharge.

Company commanders will enter on the final statements of men who are discharged by purchase a full statement of all previous enlistments terminated by honorable discharge, showing the dates of all such enlistments and discharges.

2. To obtain the privilege of purchasing his discharge the soldier

will make application to department headquarters, through military channels, giving his reasons for desiring his discharge. The company commander, in forwarding the application, will state in full the condition of the accounts of the applicant, giving a complete statement of the soldier's service, with any information which would, in the light of this order, bear on the granting or withholding of the privilege requested.

If the statement of the soldier's accounts does not show that he has sufficient credit with the United States to cover his indebtedness to the Government, including the price of purchase, the company commander will so notify the soldier and will not forward the application until the amount of deficit has been deposited with him by the soldier.

3. Upon receipt of applications, made as prescribed herein and fulfilling the given conditions, department commanders may, except in the cases specified in paragraph 4 of this order, direct the discharges requested, but where there is lacking essential information that may be supplied from records required to be kept at the War Department, or where the department commander for any reason deems it inadvisable to take final action in the case, he will forward the application with his remarks thereon to the Military Secretary of the Army.

4. Applications from the following sources for discharge under this order will be forwarded through military channels to the Military Secretary of the Army:

Enlisted men of the several staff departments.

Enlisted men on recruiting duty.

Unassigned recruits.

5. Where a soldier makes application for discharge by purchase on account of dependency of near relatives not covered by paragraph 9 of this order, and shows in connection therewith that a state of actual destitution exists, that he has to the extent of his opportunities and ability made contributions to the support of such relatives, but that these contributions have proved insufficient to relieve the destitution, the authority competent to order the discharge may, in his discretion, remit such part of the purchase price of discharge, except travel allowances, as may seem to him proper and necessary by reason of the inability of the soldier to pay the full amount. In this class of cases no advance deposit will be required of the soldier prior to forwarding his application, but upon receipt of the order authorizing his discharge the soldier must deposit with the company commander an amount sufficient to cover his indebtedness to the Government, including the price of purchase as fixed by the authority ordering the discharge.

6. Except under paragraphs 5 and 9, discharges will not be granted under the provisions of this order to soldiers serving in Alaska or outside the continental limits of the United States, except when their organizations are ordered to return thereto, nor to soldiers serving within the States and Territories of the Union after their organizations are ordered to take station in Alaska or outside the continental limits of the United States.

7. Department commanders will carefully scrutinize each application for discharge by way of purchase submitted to them, with the view of determining whether there is any special reason why the applicant should not be so discharged and whether a satisfactory reason has been offered as a basis for the application.

It is not the policy of the War Department to permit a soldier to purchase his discharge when there is any special reason in his case to the contrary, or when he offers a trifling reason or no reason at all in support of his application; nor is it the policy of the Department to debar from the privilege of purchasing his discharge under the provisions of this order any soldier in whose case investigation shows that he has reasonable grounds for seeking to purchase his discharge and that there is no unusual reason why he should not be permitted to do so.

8. Discharges by favor as distinguished from purchase are illegal, and will not be granted, except under the conditions set forth in paragraph 9 of this order.

9. Section 30 of the act of Congress approved February 2, 1901, authorizes discharge under the following conditions, viz: In the event of the enlistment of a soldier in the Army for the period required by law and after the expiration of one year of service, should either of his parents die leaving the other solely dependent upon the soldier for support, such soldier may, upon his own application, be honorably discharged from the service of the United States upon due proof being made of such condition to the Secretary of War.

Applications for discharge under this paragraph will be forwarded through military channels, with the required proof, to the Military Secretary of the Army. (1086564, M. S. O.)

By order of the Secretary of War:

ADNA R. CHAFFEE,
Lieutenant-General, Chief of Staff.

Official.

F. C. AINSWORTH,
The Military Secretary.

Mr. HALE. The Senator is speaking now of the Army?

Mr. WARREN. Of the Army entirely, and not of the Navy.

Mr. SPOONER. The case I had some years ago in connection with the Navy was a case in which the man upon every principle of fair play was entitled to a discharge. I was informed that he could have it by purchasing it, but I do not understand by what authority any Department of the Government can require a man to purchase his discharge from the service in the absence of statutory provision.

Mr. HALE. I do not know. I have never known of such a case in the Navy.

Mr. BACON. I will state, Mr. President, that I have had occasion recently to look into the matter. So far as the Army is concerned, there is a regular order which specifies at what stage in a man's service he may purchase his discharge. He can not purchase it until he has been in the service for a year, and then the particular price is \$120. After two years' service it is another price, and so on; but in the Navy the order of the President does not permit the discharge of a man by the payment of any sum of money.

Mr. SPOONER. It did formerly.

Mr. BACON. It does not now.

The reading of the bill was resumed. The next amendment

of the Committee on Naval Affairs was, on page 11, line 5, after the word "dollars," to insert the following proviso:

Provided, That the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other time as may be deemed advisable; and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and wash-houses for apprentice seamen, and for purposes of administration in connection with the training of the same, \$51,000; installing necessary distilling plant or fresh-water supply, \$20,000; maintenance of the station as a training station, \$25,000; in all, \$96,000.

The amendment was agreed to.

The next amendment was, on page 14, line 11, after the word "fund," to insert the following proviso:

Provided, That for the performance of such additional services in and about the Naval Home as may be necessary, the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the home.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 15, line 23, to increase the appropriation for reserve powder and shell from \$1,000,000 to \$2,300,000.

The amendment was agreed to.

The next amendment was, on page 16, line 10, to increase the appropriation for reserve guns for ships of the Navy from \$500,000 to \$750,000.

The amendment was agreed to.

The next amendment was, on page 18, line 20, before the word "station," to insert "torpedo;" so as to make the clause read:

Naval Torpedo Station, Newport, R. I.: For one chemist, at \$2,500; one clerk, at \$1,200; one draftsman, at \$1,500; in all, \$5,200.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 20, after line 20, insert:

For the preparation of sites, furnishing and erecting masts, buildings, and machinery foundations for United States naval wireless telegraph stations on the Pacific coast in the States of Washington, Oregon, and California, to be immediately available and to be limited to the purposes above named, \$65,000.

Mr. CLAY. Mr. President, I desire to ask the Senator from Maine a question in regard to the item on page 20, lines 21, 22, 23, and 24. I may be mistaken about it, but my recollection is that we appropriated a sum of money, at a previous session of Congress, for the purpose of completing this work.

Mr. HALE. There has been an appropriation. In the report of the committee accompanying the bill under consideration—

Mr. CLAY. On what page?

Mr. HALE. If the Senator will look at page 4 of the report, he will find that the Acting Secretary of the Navy has written a letter in which he says that this service, which I suppose has proved very valuable, can not be completed in these different States without this sum of money.

Mr. CLAY. I thought that a previous appropriation bill contained a sufficient amount for the completion of this work. Is this an additional appropriation?

Mr. HALE. This appropriation is to complete stations heretofore authorized.

Mr. CLAY. Was it found that the work could not be completed for the amount originally appropriated?

Mr. PERKINS. If the chairman of the committee will permit me, I will state that the appropriation is to complete wireless stations in process of construction on the coasts of Washington, Oregon, and California. The Government has deemed it expedient, indeed necessary, that there should be additional wireless telegraph stations established. If my friend from Georgia will read the letter from the Acting Secretary of the Navy referred to by the chairman of the committee, he will find ample reasons, I think, why the Senate committee recommended this amendment.

Mr. HALE. I will read an extract from the letter of the Acting Secretary.

These show—

That is, plans and specifications and estimates—

These show that the cost to complete the five stations will approximate \$65,000 in addition to the amount already expended under contracts for equipment.

Other stations contemplated on the Pacific coast are either completed or being constructed. The stations already built are of great and constantly increasing value.

This appropriation will complete and equip these stations, but I should not want to say that in the future the service may not require the establishment of still additional stations. When they are required, we shall have to appropriate for them. When we go into this subject as we ought to, as these stations are established and their needs are recognized in the Department,

we will have to appropriate the money for them or decline to do so; but I should not want to say that this is final.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 21, line 19, after the word "dollars," to insert the following proviso:

Provided, That of the above sum not exceeding \$1,500 may be expended by the Secretary of the Navy in procuring a survey and estimate of cost for a channel into Welles Harbor, Midway Islands.

Mr. BACON. Mr. President, I ask the Senator from Maine, if he can do so, to refer me to the page of the report which relates to that particular item.

Mr. HALE. I have a letter here from the Acting Secretary of the Navy. It refers to an item in the naval appropriation bill approved March 3, 1905, as follows:

Provided, That of the above a sum not exceeding \$1,500 may be expended by the Secretary of the Navy in procuring a survey and estimate of cost for a channel into Welles Harbor, Midway Islands.

The letter goes on:

The Bureau of Equipment, the Bureau having cognizance of this appropriation, reports that active steps have been taken to procure the survey and estimate referred to in the proviso just quoted. It has assembled the necessary apparatus at Honolulu, but finds it will be practically impossible to undertake to enter upon the survey before July 1, 1906.

They need this provision in order to carry it into the next year.

Mr. BACON. The item is small, and it was not my purpose to object to it at all. I really desired information.

Mr. HALE. That is the reason.

Mr. BACON. Those islands are very peculiar. There are two or three of them, each being simply a coral reef; and I had some curiosity to know what was the particular harbor and where it was situated in which this channel was proposed to be surveyed and constructed. But I suppose the Department has the matter in charge, and it is not necessary that we should know particularly about it.

Mr. HALE. They find they can not spend the money heretofore appropriated this year, and this provision is necessary in order to give them the chance.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Yards and Docks," on page 32, after line 6, to insert:

That the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years' active service.

Mr. BACON. I desire to ask the Senator from Maine what is the change in the law which this amendment would indicate? I do not know what the present law is in regard to this subject, but this amendment would indicate that some change is desired to be accomplished by it.

Mr. HALE. It is intended to put in force what is the present arrangement, and that is that the head of this Bureau, which is civilian and engineering, shall be taken from the Corps of Civil Engineers, and so to fix it as a matter of law. It is not sea duty, but it deals with the engineering of the navy-yards, and the committee believed that the present rule is a good one, and to continue it for the future has provided that the head of this Bureau, which is civilian and engineering, shall be taken from the Corps of Civil Engineers.

Mr. BACON. As the law is now, it is discretionary—

Mr. HALE. It is discretionary?

Mr. BACON. Whether to take him from the civil engineers or from some other branch of the Navy.

Mr. HALE. Yes.

Mr. BACON. Is the present officer a civil engineer?

Mr. HALE. He is; and a very accomplished officer.

Mr. NELSON. I understand this corps is a part of the naval force.

Mr. HALE. Undoubtedly it is a part of the naval force, but it is scientific—it deals with engineering works rather than with fleets and battle ships.

Mr. NELSON. It does not mean civil engineers outside the service.

Mr. BACON. They are part of the establishment.

Mr. HALE. They are part of the establishment.

Mr. BACON. Do I understand that the present chief of the Bureau of Yards and Docks is such an officer?

Mr. HALE. He is a naval officer, but not a line officer.

Mr. BACON. Will this amendment prevent an officer in the Corps of Engineers in the Navy holding this office in the future?

Mr. HALE. It provides that he shall occupy it in the future.

Mr. BACON. I understand the Senator to say that the civil engineers here alluded to are not naval officers.

Mr. HALE. No; they are regular naval officers. They are a part of the naval establishment.

Mr. BACON. The present incumbent is of the class indicated as that from which in the future the officer shall be selected?

Mr. HALE. Precisely.

Mr. FULTON. I understand that at the present time the chief of the Bureau of Yards and Docks may be selected, and is selected, from the naval officers. This will confine it simply to the Corps of Engineers.

Mr. HALE. I thought I had just explained that. The present head of this Bureau is a distinguished member of the Corps of Engineers of the Navy.

Mr. FULTON. I understand.

Mr. HALE. They are naval officers.

Mr. FULTON. They are?

Mr. HALE. This is only in the future to provide that the head of this Bureau, which is civilian in its function and deals not with fleets and squadrons and ships, but with engineering duties, shall be taken from the Corps of Engineers in the Navy. They are officers of the Navy, like the Corps of Engineers in the Army.

Mr. FULTON. The Corps of Engineers in the Army are selected from the Army officers, and this narrows the selection simply to those who are detailed to the Corps of Engineers.

Mr. TILLMAN. If the Senator from Maine, who knows more about this than I do, will permit me, I will say that there used to be a department of engineering, and there is still in the Navy. Those engineers were educated at Annapolis, and they were educated to control and manage the machinery in the ships. But when the personnel bill was passed three or four years ago we merged the line officers and the Corps of Engineers educated at Annapolis, and who were at the head of their classes (because it is regarded as a mark of distinction for a cadet to be able to get into the Engineer Corps), and we are now running our vessels in large degree by employing engineers.

There is, in addition, a bureau of engineering, which has to do with the construction of ships and the management and control of the engineering department of the Navy; a bureau of civil engineering, which has charge of yards and docks. The Bureau of Yards and Docks has been under the control of engineers selected from civil life, and we have in the civil engineering department of the Navy possibly as accomplished a lot of civil engineers as there are in the United States. It is to confine the appointment and control of this Bureau to an officer of this class that this provision is included here, instead of taking an officer selected from the line or somewhere else and putting him in charge of a distinctively civil engineering department of the Navy. The purpose is to confine it to its own branch or bureau.

Mr. FULTON. I do not wish myself to make any objection to this amendment, if the Senator having the bill in charge is thoroughly satisfied that it is a proper provision. But I have understood—my information may be entirely inaccurate—that it will operate to the benefit of one individual, and that it is narrowing the field from which selections can be made, and will operate unjustly. However, I do not know enough about it to make the assertion.

Mr. HALE. I can assure the Senator there is nothing of that kind.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Public Works, Bureau of Yards and Docks," on page 32, line 22, after the word "dollars," to insert "boiler shop for steam engineering, to complete, \$75,000;" and in line 24, before the word "thousand," to strike out "one hundred and seventy-five" and insert "two hundred and fifty;" so as to make the clause read:

Navy-yard, Portsmouth, N. H.: Railroad rolling stock, additions, \$3,000; sewer system, extension, \$3,000; quay walls, to extend, \$40,000; grading, to continue, \$15,000; central power house, extension, \$35,000; central power plant, extension (to cost \$120,000), \$60,000; central heating plant, extension, \$8,000; water system, extension, \$5,000; workmen's landing near reservoir, \$1,000; shelves, racks, and fittings for storehouse No. 86, \$5,000; boiler shop for steam engineering, to complete, \$75,000; in all, \$250,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 9, on page 35.

Mr. HALE. Some changes are necessary at this point, which I will indicate. In line 23, page 34, I move to strike out the

word "complete" and insert "continue;" and in the same line, to strike out the word "three" and insert "two;" and after the word "hundred," insert the words "and fifty;" so as to read:

Navy-yard, Charleston, S. C.: Stone and concrete dry dock, to continue, \$250,000.

The amendment was agreed to.

Mr. HALE. After the word "dollars," in line 8, page 35, I move to insert what I send to the desk.

The SECRETARY. On page 35, line 8, after the word "dollars," insert:

Quay wall at dry-dock entrance, \$40,000; dry-dock latrines, \$3,000; one officers' quarters, \$7,000; dispensary building, \$12,000.

The amendment was agreed to.

Mr. HALE. On page 35, line 9, I move to strike out "fifty-nine" and insert "seventy-one."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 35, line 24, before the word "thousand," to strike out "fifteen" and insert "thirty;" on page 36, line 1, after the word "dollars," to insert "sewer system, \$3,000;" and in line 3, before the word "thousand," to strike out "twenty-one" and insert "thirty-nine;" so as to make the clause read:

Naval station, Key West, Fla.: Dredging and filling in, \$30,000; to complete two officers' quarters, \$1,200; marine railway, to complete, \$5,000; sewer system, \$3,000; in all, navy-yard, Key West, Fla., \$39,200.

The amendment was agreed to.

The next amendment was, on page 37, line 2, after the word "dollars," to insert "telephone system, extensions, \$1,500; central power plant, \$60,000; water-closet for ships in dock, \$2,500;" and in line 6, before the word "thousand," to strike out "one hundred and forty-one" and insert "two hundred and five;" so as to make the clause read:

Navy-yard, Puget Sound, Washington: Sewer system, extensions, \$3,000; telephone system, extensions, \$1,500; central power plant, \$60,000; water-closet for ships in dock, \$2,500; in all, navy-yard, Puget Sound, Washington, \$205,000.

The amendment was agreed to.

The next amendment was, on page 37, line 12, after the word "dollars," to insert "toward construction of a graving dock of concrete and granite, to cost, in all, \$1,400,000, \$100,000;" and in line 15, before the word "forty," to insert "one hundred and;" so as to make the clause read:

Navy-yard, Pensacola, Fla.: Water system, \$5,000; sewer system, \$10,000; conduits and conductors for distribution of power, \$5,000; crib for wooden floating dry dock, \$20,000; toward construction of a graving dock of concrete and granite, to cost, in all, \$1,400,000, \$100,000; in all, navy-yard, Pensacola, \$140,000.

The amendment was agreed to.

The next amendment was, on page 38, line 7, before the word "machinery," to strike out "and;" and in the same line, after the word "machinery," to insert "and power plant;" so as to make the clause read:

Naval station, Olongapo, Philippine Islands: Purchase and installation of tools, machinery, and power plant, \$100,000.

Mr. KEAN. I wish to make an inquiry of the Senator from Maine in regard to this appropriation for the naval station in the Philippine Islands.

Mr. HALE. Mr. President, lately I have obtained from the Department reports from naval officers who have inspected this station, and I want to put in the RECORD the report of a very accomplished naval officer, Capt. S. M. Ackley, which was sent to me by the Acting Secretary of the Navy, saying that he inclosed a copy of the report of Captain Ackley, dated June 30, 1905, and it discloses for the first time the real situation at Olongapo. I ask that the letter of the Acting Secretary and Captain Ackley's report be printed in the RECORD—I will not take up the time by reading them now—and also the report of P. L. Reed, civil engineer, United States Navy.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the papers submitted will be printed in the RECORD.

The papers referred to are as follows:

NAVY DEPARTMENT,
Washington May 28, 1906.

SIR: Agreeably to the request contained in your telegram of the 28th instant, I herewith inclose a copy of the report of Capt. S. M. Ackley, United States Navy, late commandant United States naval station, Olongapo, P. I., dated June 30, 1905, together with a copy of the printed report of the board of officers on the naval station, Olongapo, approved by the Department January 16, 1906; copy of the report of civil engineer, naval station, Olongapo, dated August 30, 1905, submitting outline and plans of the naval station, Olongapo, and a report from the civil engineer, naval station, Olongapo, dated January 17, 1906, relative to the conditions of buildings at the naval station.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

HON. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

UNITED STATES NAVAL STATION,
Olongapo, P. I., June 30, 1905.

SIR: I have the honor to acknowledge the receipt of Navy Department's letter No. 11406-78.

2. Referring to paragraph 1, I would say that it is very difficult for anyone to predict when the transfer of the plant from Cavite to Olongapo can be made. I doubt very much whether it can be commenced within the next five years, and it may take longer if the appropriations continue to be as unfortunate in the future as they have been during the past two years. I would respectfully call the Navy Department's attention to the fact that no plans have been furnished by the Department, only blueprints of those of the Taylor board, which, I suppose, the Department expects to follow, although the Bureau of Yards and Docks has not intimated in any way what its views were on this subject. There is a natural sequence that has to be followed in order to economically carry out a plan of this kind, and before permanent buildings can be erected a permanent foundation must be prepared. Judging from the directions of paragraph 1 of the Department's letter, it would appear that it expects to utilize some or all of the buildings of Spanish construction in the present Olongapo Navy-Yard, but I would respectfully call its attention to the fact that none of them correspond with the plan of the Taylor board, and that the level of the dockyard, as designed by the Spaniards, is in some parts less than a foot above high water, and none of it is more than 18 inches above high water.

3. The plan of the Taylor board calls for a level of about 3 feet above extreme high water. Inclosed under separate cover is a blueprint of the dock yard, as left by the Spaniards, with such temporary additions as have been made by the marines stationed in garrison here. An examination of the blueprint of the station as it now exists shows that there are forty-six buildings here in all, enumerating everything that was here at the time of my arrival, November 13, 1904. Of these forty-six buildings, all but eight are occupied and in use by the marine garrison. Of these eight buildings, No. 38 was the residence of the commanding officer in the Spanish days, and is in such bad condition, owing to its faulty construction, that it is no longer tenable. Building No. 39 is in such poor condition, owing to its walls being cracked and its foundation not having been securely built, that it will have to come down in the near future. Building No. 40, used as a coal shed, is already falling down and is beyond even temporary repairs. Buildings Nos. 41 and 42, machine shops, can be repaired for temporary use during the construction of the yard, but are in no way adequate to contain the machinery now installed at the Cavite yard, even if they were to be kept under the adopted plan of the future naval station. Building No. 32, which is a double Spanish building, has been repaired since my taking command, in order that the company of marines quartered there could continue to occupy it. Building No. 28, a Spanish structure of quite substantial construction, has been turned over to us by the marines, and is used by the general storekeeper as a storehouse for articles kept here under the naval supply fund. Building No. 23 is of Spanish construction, and is occupied by a company of marines. Building No. 25, which is a structure of brick and steel, partly finished when we took possession of the station, is now being completed by contract. This is the only building in the yard that probably will be retained in the future. It was the last building commenced by the Spaniards during their régime here, and shows the result of their experience for construction in this climate. I will treat this subject further on.

4. To the west of the navy-yard gate, which is shown in the plan in the corner of wall near building 14, there is a clear, open space, beyond which and extending to the Kalaklan River is the native village of Olongapo, containing three streets for a part of its length running parallel with the water, with a population of about 1,000 people, the most of whom live by working directly or indirectly for the garrison.

5. Referring again to the matter of transfer of plant from Cavite to Olongapo, I would call the Department's attention to the fact that the floor space of all buildings that can be temporarily made use of here is only about 25,000 square feet, whereas the floor space of the working departments at the Cavite yard is about 250,000 square feet, and at Cavite they are very much pressed for room to do the work now required of them, so that to think of transferring the Cavite station to Olongapo until Olongapo is developed on the lines proposed by the Taylor board, or some modification to it, is absolutely impossible.

6. Referring to the second paragraph of the Department's communication, I would state that since the statement of the Bureau of Supplies and Accounts was made, on February 28, there has been built by contract a pier for landing and receiving stores at a cost of about \$30,000, and a contract amounting to \$7,000 is nearly finished for repairs on building No. 25, to complete and put it in condition for the use of the commandant, the pay officer, the civil engineer, the captain of the yard, telegraph office, and post-office. This building is on iron piers some 4 feet from the ground, and, although it somewhat interferes with the plans of the Taylor board, it could remain in its present position as long as desired.

7. For the future development of the naval station the funds are limited if the scheme of the Taylor board is to be carried out. Particularly is this so in regard to the proposed quay wall. Sixty-three thousand dollars has been appropriated for this work, and the bill limits the price of the wall to \$144 per linear foot. After consulting with the various contractors and the civil engineer I have to state that it is not possible to do this work for the amount to which we are confined by the bill. This amount is less than one-half of what is necessary and what a similar quay wall at the Charleston Navy-Yard has cost the Government.

8. The items "Commandant's quarters" and "Three officers' quarters" are only appropriations sufficient to partially construct these buildings, and as the location where they are to stand has to be filled in nearly 3 feet, I consider it absolutely necessary that the filling in be completed and that the appropriations for the completion of this be made, so that the buildings may be designed and completed within the limits of the appropriation.

9. The item "Dredging entrance to basin" can economically be done when a dredging plant is brought here to do some other work. It is not absolutely necessary now, and we have no dredging plant at Manila at the present time.

10. "Dredging basin in front of quay wall" can well be delayed until the dry dock, for which it is intended, is nearer Manila than Baltimore, where it now is.

11. After consultation with the contractor who sunk the artesian well at Cavite, I think we have every reason to believe that artesian water of good quality can be reached here more easily than at Cavite, and that it is advisable, for the best interests of the Government, to sink an artesian well here rather than build necessary reservoirs and in-

stall piping for over 2 miles from the Brick Yard Springs. The water at these springs is a surface drainage and is not sufficient to supply the navy-yard during the dry season.

12. The landing pier has already been spoken of.

13. The "coaling plant" is being handled by the Bureau of Yards and Docks.

14. This covers the entire appropriation for the past fiscal year, and I think the Department will agree with me that I have used all the money that a due regard for the best interests of the Government and a reasonable degree of economy would warrant.

15. In regard to paragraph 3 of the Department's letter, I would say that the Department has now come to the question of vital importance in connection with Olongapo Naval Station, for there are certain works that must be done before it is advisable to expend any large amount of funds for others. The vital question, and one on which the Spaniards failed in their plan to develop this place, was to prevent the Santa Rita River from discharging into the basin in front of the naval station. In order that the Department may, perhaps, better understand the conditions here, I will refer them to the map of the Niblack survey of Olongapo, which shows that the valley of the Santa Rita River, on which the navy-yard is located, from the sea, extending back at least 1½ miles, far beyond the limits of the proposed naval station, is a vast mangrove swamp, with the Santa Rita River on the east side and the Kalaklan River on the west side. These rivers gradually come together at a point near the ridge range and about a mile and a half in a direct line from the bay. The bay shore line is a sandy beach, which the sea has thrown up to a height of about 6 feet near the Kalaklan River, where the sea rolls in from the direction of Grande Island, but extending to the east toward the navy-yard the shore is protected by the opposite point, and the crest thrown by the sea is not more than 2 feet above the land behind it. Behind this narrow strip of beach, and extending along the shore for half a mile and back into the mangrove swamp, is the native village, and from the Kalaklan River to the basin in front of the naval station, a distance of 1 mile, all of the land which will be occupied by the proposed naval station is a mangrove swamp, the most of which is covered with 1 foot to 18 inches of water at every high tide. At the present time the Santa Rita River is discharging its water, yellow with sediment after every rain, directly into the basin, where about 4,000,000 cubic yards of silt will have to be removed in order to get a basin large enough for the purposes required by the proposed navy-yard. The Spaniards attempted to close the Santa Rita River where it joins with the Kalaklan, thus diverting the entire volume of the stream down the Kalaklan. In order to carry off the water that flowed into it in the small subsidiary streams, below where they attempted to cut off, a canal was dug about 40 feet wide and 8 feet deep from the Santa Rita west to the Kalaklan. This canal was nearly finished when we took possession here, but above where the two rivers come together and where the Spaniards attempted to cut off the water flow into the Santa Rita the stream broke through and has ever since carried its volume of water down that way, it being nearer the sea level by way of the Santa Rita River than by the Kalaklan, and the largest volume of water goes out by the Santa Rita. Although the Kalaklan is wider than the Santa Rita, the depth of water is not as great. Unfortunately for the success of the operation both banks of the Santa Rita River where it separates from the Kalaklan are alluvial deposits. In my opinion, in order to divert the flow of water into the Kalaklan it will be necessary to carry there several thousand tons of stone and build retaining walls. The nearest point where stone can be obtained is La Lake Hill, at the mouth of the Santa Rita. The hill contains about 280,000 cubic yards of rock, which has to be removed, as the proposed dry dock will be located directly over the hill, it being the only solid foundation within the limits of the proposed navy-yard. This is all plainly set forth on the drawings made by the Taylor Board. In the estimate which I prepared before leaving Washington and left with the Bureau of Yards and Docks I asked for \$45,000 for this purpose. Unfortunately, in the meager appropriation of \$100,000 which we have for the coming year this item has been omitted. I say unfortunately because in my opinion and the opinion of the admiral and civil engineer it is absolutely essential to demonstrate that this river can be closed and its flood water controlled before it is advisable to spend any large amount of money in other directions toward the development of this naval station.

16. Next in importance to closing the Santa Rita River is the filling in of the great mangrove swamps on which all the larger constructions for the mechanical part of the yard will have to be located. This will be rather a long and expensive operation, as retaining dikes will have to be built to hold up the mud used for this purpose, and it will take some time for this to settle and dry. The foundation of every building that is to carry any weight must be supported by piles sufficiently long to carry their load by friction, as borings show nothing but a mixture of mud and sand to a depth of a hundred feet or more.

17. The building of the sea wall, judging from the progress of similar works, the Navy Department has on hand at other places, will require several years.

18. In connection with the matter of contracts for work of this nature, attention is called to the fact that there are only two firms in Manila who have ever undertaken large works of this kind. One is the Atlantic, Gulf and Pacific Company, with whom the Navy has had an unfortunate experience at Mare Island and Philadelphia, and the other is J. G. White & Co., who have on hand as much as they can carry during this year or more for the insular government, although they expect to bid on the coaling-plant contract.

19. Referring again to the blueprint of the station, I would say that this does not show the temporary quarters that have been constructed for the use of officers of the Navy, but it does show that the marines now necessarily occupy all the habitable buildings on the station except two, the one in use by the general storekeeper to store such articles as must be locked up, and the other, the old Spanish officers' mess house, which is now occupied by the medical officers stationed here.

20. In regard to paragraph 4, I would say that an additional communication will be forwarded in a few days giving a statement of further appropriations desirable, and that, I believe, can be made useful during the fiscal year ending June 30, 1907.

Respectfully,

S. M. ACKLEY,

Captain, United States Navy, Commandant.

The ASSISTANT SECRETARY OF THE NAVY.

Navy Department, Washington, D. C.

(Thro C. in C.)

MAY 29, 1906.

The accompanying copy of a report of the civil engineer, naval station, Olongapo, dated January 17, 1906, addressed to the commandant, naval station, Olongapo, should have accompanied the Department's letter No. 11406-109 of May 23, 1906.

NAVY DEPARTMENT.

UNITED STATES NAVAL STATION,
Olongapo, January 17, 1906.

SIR: In accordance with cablegram of October 15, 1905, from the Bureau of Yards and Docks, a survey has been made of the valley of the Tabacujan River with a view to determining whether it would prove a desirable source of water supply for the station. Civil Engineer F. O. Maxson has suggested the development of the water power available in this river, and this feature was also considered.

Tracing No. 96-2, showing the Tabacujan River in its relation to the station, as well as the site for the reservoir back of Kalaklan Point, investigated by the Bureau's direction, is forwarded under separate cover. The reservoir site was described in a letter dated December 5, 1905, with an accompanying plan.

2. The survey as shown on plan was carried to a point about 6 miles from the center of the present station, where the stream forked into two approximately equal branches at an elevation of 815.42 feet above low-water datum.

3. Weir measurements were made on January 4, two months after the end of the rainy season at a point 4,000 feet below the upper limit of the survey, where the flow was 160 cubic feet per minute, and at a point 12,000 feet lower where a flow of 285 cubic feet per minute was recorded. These rates of flow are equivalent to 1,700,000 and 3,100,000 gallons, respectively, in twenty-four hours.

4. It is probable that these figures will be considerably reduced at the end of the dry season, about June 1, but it appears almost certain that a flow exceeding 500 gallons per minute, or 720,000 per day, which has been taken as the maximum requirement of the station, will be found in the lower portion of the river at all times. The weirs were left in place, and readings will be taken from time to time, and the results, especially at the end of the dry season, noted.

5. An elevation of 192 feet above low water is found at a distance of 22,000 feet from the station. An 8-inch pipe, with a friction loss of 3 feet per 1,000, or 66 feet in 22,000, and a velocity of 2½ feet per second would deliver 500,000 gallons per day, reaching the station with a head of 126 feet, which would maintain the level in the 100-foot 100,000-gallon elevated tank which was recommended as the present distributing reservoir for the yard. The intake for this pipe line might be of the simplest construction, there being no present or apparent future necessity for a storage reservoir. Such construction would make it a simple matter if the development of power is not approved to increase the head by carrying the intake further up the valley should future demands exceed what now appears an ample provision or should incrustation in the pipe line similarly increase the loss of head by friction. A head of 100 feet or 43.4 pounds per square inch is believed to be sufficient, as there are no high buildings. A fire pump with salt water inlet and discharging into the mains is suggested in case the elevated tank is not considered sufficient protection against an extensive fire, although the yard buildings should be constructed with the minimum amount of wood on account of white ants, and should be practically fireproof. The tank would supply several fire streams with a fair pressure until the fire pump could be started, when the valves connecting with main supply pipe and tank would be closed and the pressure raised to, perhaps, 100 pounds per square inch. Such rare use of salt water to be later flushed out of the system would have little effect on the pipe and fittings.

6. A distributing reservoir on Kalaklan Hill would involve 7,000 feet of 12- or 16-inch pipe from the reservoir to the center of the station. The ground on the west bank of the Kalaklan is in general steep and rocky, and a location on this side of the river for the pipe line is not considered as favorable as the comparatively flat valley on the east side. A distributing reservoir so located would increase the cost of the supply main and would add a long distributing main of comparatively large diameter, which in itself would cost twice as much as an elevated steel tank of 100,000 gallons erected on the station, involving a crossing of the Kalaklan near its mouth.

It is believed that the cost of such a reservoir and auxiliaries made necessary thereby could be more advantageously applied to increasing the diameter of the main supply pipe and erecting an elevated tank on the station.

The elevated tank would furnish a temporary supply in case of damage to any outlying pipes, which properly conserved would last some days, while a reservoir across the Kalaklan would be comparatively unprotected, and in case of a break in the main distributing pipe, for instance, at its crossing of the Kalaklan in time of flood the station supply would be suddenly shut off, and for an indefinite time.

7. In designing the pipe line the difficulty in obtaining or training men qualified to do what may be described as a "workmanlike job" in any mechanical branch should be borne in mind. A form of cast-iron pipe with finished metal-to-metal joints and without any calking, known as "universal pipe," appears to have several prominent advantages for such conditions, and the price is but little more than ordinary bell and spigot pipe. Consideration of this form of pipe is respectfully recommended.

8. The artesian well under contract is being driven with great difficulty. A depth of 340 feet has been reached with negative results, no potable water having been obtained. It is hoped that this well will provide a supply of suitable water equal to the requirements of the near future.

9. The conditions affecting power development are briefly as follows: The highest point at which the water can be drawn with advantage is at the fork of the river at an elevation of 815.42 feet above low water. This may be discharged at a sufficient elevation to be taken into the water-supply pipe which was assumed in paragraph 5 to be at elevation 192, giving a fall of 623 feet in a distance of 10,000 feet. Taking the flow as measured on January 4 near the inlet, 160 cubic feet per minute, which would flow through a 16-inch pipe with a velocity of 2 feet per second and a loss of head of 1 foot per 1,000, the total loss of head would be 10 feet, leaving 613 for pressure head, which at the above rate of flow would be equivalent to 186 gross horsepower. About 60 per cent of this, or 110 horsepower, could be delivered on the station in the form of electric current by means of a water wheel of the Pelton type, alternating current generator, transformers, and 22,000 feet of line.

10. A dam at the inlet to form a reservoir to increase the dry-season flow has been considered, but does not appear practicable. The dry

season lasts fully six months, during which practically no rain falls; the valley rises fairly uniformly at a rate of 6 to 7 feet per 100 in the vicinity of the proposed inlet. Conditions differ but slightly for a long way below this point; there are no natural basins of any extent, and taken altogether the possibility of increasing the flow for several successive months by storage at or near the proposed inlet at a reasonable cost does not seem to exist.

11. The cost of coal and oil consumed in producing 1 horsepower night and day for one year under the conditions here existing may be taken at \$100, or for 110 horsepower \$11,000. To this coal consumption might be added \$10 per horsepower for depreciation of boilers and engines, or \$12,100 as the annual cost of producing 110 horsepower on the station. No item for attendance is included, as this power is not sufficient to do away with a steam-power plant on the station, and would involve little or no additional labor.

The cost of 10,000 feet of 16-inch pipe in place may be taken at \$30,000, and the cost of power house, water wheel, generator, other electrical apparatus, and transmission line at \$20,000, or \$50,000 in all. If 10 per cent is assumed for depreciation and repairs and \$2,000 per annum for attendance on station and line, the annual cost would be \$7,000, which, deducted from \$12,100, leaves an apparent saving of \$5,100 per annum from the development of this water power.

12. As against this project may be placed the reduced flow of the river at the inlet near the end of the dry season, not yet determined, the isolated position of the plant where superintendence involves 8 miles of travel, the attention and care required to make and maintain the 2 miles of supply pipe tight under pressures running to 250 pounds per square inch, the care required to maintain the high-voltage transmission line, with accompanying danger to life, and the relatively small amount of power available.

It would be possible to design the plant for a larger power, which would be available during four or five months of the year, but such increase of cost would probably be not justified by the advantages to be gained.

13. The Bureau directs in its cablegram that dam sites be surveyed on the Tabacujan River.

The river descends quite uniformly in a rocky channel, strewn with boulders. No place was found at which a storage reservoir of useful size could be obtained by a dam of reasonable cost. At almost any point a low dam could be constructed which would answer well as an inlet for the water supply, but a valley with approximately parallel sides rises regularly, with a slope of 3 or more feet per 100, offers little opportunity to construct a storage reservoir which shall hold enough water to materially increase the flow over a period of five or six successive months of dry weather.

It is believed that such a reservoir will not be needed, and that the river will supply at all times sufficient water for the needs of the station as they have been foreseen in the complete project of the Olongapo board, of which the late Rear-Admiral Taylor was senior member.

14. An instrumental survey has been made of the area adjoining the "brickyard springs" above the falls, levels determined, and weir measurement made.

These show the top of the falls to be at an elevation of 109 feet above low water and that the bed of the stream rises from there fairly and uniformly to an elevation of 154 feet, above datum in 417 feet where it branches.

A careful weir measurement made on January 8 gave a flow of 5.12 cubic feet per minute, equivalent to 55,000 gallons per day.

A similar measurement, made on February 13, 1905, gave but 1.20 cubic feet per minute, equivalent to 13,000 gallons per day. No place favorable to the construction of a dam to form a useful storage reservoir was found in the steep and narrow valley above the falls. Water from this spring now supplies a 2-inch pipe, which is led to the camp for parties using the target range for small arms, constructed as a permanent range for the Asiatic fleet. This range is used exclusively in the dry season, at which time there remains little or no water from the spring after supplying the camp.

Very respectfully,

P. L. REED,
Civil Engineer, United States Navy.

The COMMANDANT.

DEPARTMENT OF THE NAVY,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., February 27, 1906.

SIR: The Bureau forwards herewith, for the information of the supplemental board on the development of the Olongapo Naval Station, a copy of letter and print just received from that station, showing the result of survey made in connection with water supply.

2. It will be noted that a different development is suggested from that proposed by the board as a result of the survey and a study of the conditions.

Very respectfully,

MORDECAI T. ENDICOTT,
Chief of Bureau.

The SECRETARY OF THE NAVY.

[First Indorsement.]

NAVY DEPARTMENT, February 28, 1906.

BUREAU OF YARDS AND DOCKS:

Forwards, for the information of the supplemental board on the development of the Olongapo Naval Station, a copy of a letter from Civil Engineer P. L. Reed, United States Navy, dated January 17, 1906; also a print, showing the result of survey made in connection with water supply.

Respectfully referred to the board on Olongapo Naval Station, of which Capt. William Swift, United States Navy, is senior member, for consideration.

BONAPARTE, Secretary.

NAVY DEPARTMENT,
Bureau of Navigation.

Received March 1, 1906.

Forwarded March 1, 1906.

To Capt. William Swift, United States Navy.

[Second Indorsement.]

BOARD ON OLONGAPO, NAVY DEPARTMENT,
March 15, 1906.

BUREAU OF YARDS AND DOCKS:

Forwards, for the information of the supplemental board on the development of the Olongapo Naval Station, a copy of a letter from Civil Engineer P. L. Reed, United States Navy, dated January 17, 1906;

also a print, showing the result of survey made in connection with water supply.

Respectfully returned to the Department.

The results of observations made by Civil Engineer Reed at Olongapo on the possibility of water power developed for that station furnish good ground for belief that for more than half the year, at least, water power will be available.

2. It may be possible that the water power will have to be supplemented by steam in an auxiliary plant, but the board prefers to defer judgment on this point until further and more complete observations are available, and until Civil Engineer Reed has assimilated the proposed scheme of water-power development in the board's report. The report should have reached Olongapo the last of February.

3. In view of the fact that Civil Engineer Reed can, after reading the report of this board, make more intelligent observations and recommendations on this subject, the board recommends that further investigation be made as to the flow of water in the upper part of the Tabacujan at different times of the year. It seems also likely that there will be ample time for more complete observations and for conclusions based upon them.

WM. SWIFT,
Captain, United States Navy, Senior Member.

NAVY DEPARTMENT,
Bureau of Navigation.

Received March 15, 1906.
Forwarded March 15, 1906.
To the Department.

[Third Indorsement.]

NAVY DEPARTMENT, March 16, 1906.

BUREAU OF YARDS AND DOCKS:

Forwards, for the information of the supplemental board on the development of the Olongapo Naval Station, a copy of a letter from Civil Engineer P. L. Reed, United States Navy, dated January 17, 1906; also a print, showing the result of survey made in connection with water supply.

Respectfully returned to the Bureau of Yards and Docks, inviting attention to the second indorsement hereon of the senior member of the board on Olongapo, recommending that further investigation be made as to the flow of water in the upper part of the Tabacujan at different times of the year, in connection with the general question on the possibility of water-power development for the naval station, Olongapo, which recommendation is approved.

BONAPARTE, Secretary.

Mr. HALE. I would, upon the strength of these reports, move to strike out the provisions for Olongapo, but they are so small that they will probably be used at the station in its present condition. However, I think it a matter of congratulation that at last reports disclose what is the real situation of this station.

Mr. WARREN. I should like to ask the Senator from Maine a question.

Mr. HALE. Certainly.

Mr. WARREN. Is there not a large amount, which has been appropriated heretofore, standing to the credit of Olongapo which could be expended unless otherwise directed?

Mr. HALE. It will not be expended. The Comptroller has held it up—

Mr. WARREN. Then am I to understand that nothing will be available for Olongapo except what is carried in this bill?

Mr. HALE. That is all.

Mr. WARREN. I am very glad this information has been received.

Mr. HALE. I, too, am very glad.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 38, line 24, to increase the total appropriation for public works, navy-yards and stations, from \$2,848,450 to \$3,005,450.

Mr. HALE. On page 39, line 1, after the word "million," I move to strike out "five" and insert "fifty-two;" so as to read "\$3,052,450."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to the end of line 13, on page 44.

Mr. HALE. On page 44, line 11, I move to strike out "all."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 45, after line 2, to insert:

PUBLIC WORKS, MARINE CORPS.

Barracks and quarters, Marine Corps: Erection and equipment of two laundries for enlisted men, marine barracks, \$12,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 6, to insert:

For the completion of marine barracks on the Schmoee tract of land at the Norfolk Navy-Yard, in the State of Virginia, including plumbing, interior woodwork, painting, grading, and proper connections with the local waterworks, \$15,000; for the construction of two additional sets of officers' quarters, Norfolk Navy-Yard, \$24,000; in all, Norfolk Navy-Yard, \$39,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 14, to insert:

For the erection of marine barracks and officers' quarters, naval station, New Orleans, La., \$15,000, which sum shall be in addition to \$15,000 appropriated for this object in the naval appropriation act approved March 3, 1901, and \$6,500 provided in the naval appropriation act approved April 27, 1904.

The amendment was agreed to.

The next amendment was, on page 45, after line 22, to insert:

For the erection of marine barracks and completion of officers' quarters, marine barracks, naval training station, San Francisco, Cal., \$15,000.

The amendment was agreed to.

The next amendment was, at the top of page 46, to insert:

For the necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, \$25,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 4, to insert:

For the purchase of land adjoining marine reservation, naval station, Sitka, Alaska, \$400.

The amendment was agreed to.

The next amendment was, on page 46, after line 6, to insert:

In all, public works, Marine Corps, \$106,400.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," on page 59, after line 5, to insert:

That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be constructed a fully completed model of each vessel of war of the Navy of the United States which now has or may hereafter be given the name borne by any State of the United States, said model to be deposited in the capitol building of said State, and in every case said model shall be placed in a prominent position, convenient to public view: *Provided*, That such model shall not cease to be, when so deposited, the property of the Government of the United States, but shall be at all times subject to the authority and direction of the Secretary of the Navy, no model to cost in excess of \$3,500, and the sum of \$50,000 is hereby appropriated.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Steam Engineering," on page 62, line 25, after the word "dollars," to insert "to outfit boiler shop, now building, with cranes, annealing furnace, machine and hand tools, motors and fixtures, \$60,000; in all, \$110,000;" so as to make the clause read:

Machinery plant, navy-yard, Portsmouth, N. H.: To outfit new shops, authorized and completed or nearly completed, with new power tools, and to replace obsolete and worn-out machine tools, \$50,000; to outfit boiler shop, now building, with cranes, annealing furnace, machine and hand tools, motors and fixtures, \$60,000; in all, \$110,000.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," on page 68, line 9, to increase the total appropriation for pay of professors and others, Naval Academy, from \$125,820.02 to \$126,217.52.

The amendment was agreed to.

The next amendment was, on page 70, line 22, to increase the total appropriation for the maintenance of the Naval Academy from \$388,663.08 to \$389,060.58.

The amendment was agreed to.

The next amendment was, at the top of page 71, to insert:

Hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the final graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if such recommendation is made by the 15th day of April of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, Congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, Congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates: *Provided*, That the President may select a candidate for the District of Columbia for the year 1908.

Mr. HALE. To perfect the amendment, I move, in line 3, page 71, before the word "graduation," to strike out the word "final."

The amendment to the amendment was agreed to.

Mr. HALE. In lines 11 and 12 I move to strike out the words "fifteenth day of April" and insert "fourth day of March."

Mr. CLAY. What change will that make in the present arrangement?

Mr. HALE. It would be an embarrassment if it runs over the 4th of March, when Congress expires, because a question would then arise between the new Member and the old Member, and as it is only a few days—

Mr. CLAY. What change will this amendment, if adopted, make in the present arrangement?

Mr. HALE. Oh, it gives more time for Senators and Members. They have now only about three months, and there is not the opportunity for a Senator or Representative to select his man and have time for him to prepare and get ready for the examination. The same provision was substantially adopted in regard to West Point. It gives to every Senator and Member a longer time—that is, instead of awaiting the expiration of the year he is notified of the coming vacancy.

Mr. CLAY. I have never known the Navy Department heretofore to fill a vacancy that was not filled by a Member of the House or a Senator. They usually notify them three or four times if they do not make the appointment, and if they fail they notify them again. I know the Department is exceedingly careful if the appointment is not made to notify Senators and Representatives again, and then if the person appointed fails to stand the examination, to notify again and let another appointment be made.

Mr. HALE. They have now only three or four months to do it in, and they will have all the time from the preceding year.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 72, after line 10, to insert:

That the President be authorized, by and with the advice and consent of the Senate, to appoint two additional professors of mathematics in the Navy, who shall take rank at the foot of the list of professors of mathematics and be extra numbers in said list.

Mr. CLAY. I hope the Senator will allow this amendment to go over for a few minutes until it may be looked into further.

Mr. HALE. Certainly.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 72, after line 15, to insert:

That all records (such as muster and pay rolls and reports) relating to the personnel and operations of public and private armed vessels of the North American colonies in the war of the Revolution now in any of the Executive Departments shall be transferred to the Secretary of the Navy, to be preserved, indexed, and prepared for publication.

The amendment was agreed to.

The next amendment was, on page 73, line 18, after the word "bars," to insert "and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore," so as to make the clause read:

Pay of noncommissioned officers, musicians, and privates, as prescribed by law; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, including additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, messmen, signalmen, or holding good-conduct medals, pins, or bars, and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore, \$1,883,555.20.

The amendment was agreed to.

The next amendment was, on page 81, after line 9, to insert:

That from and after the date of the approval of this act, the Commandant of the Marine Corps shall have the rank, pay, and allowances of a major-general in the Army, and when a vacancy shall occur in the office of commandant of the corps, on the expiration of the service of the present incumbent, by retirement or otherwise, the Commandant of the Marine Corps shall thereafter have the rank, pay, and allowances of a brigadier-general.

Mr. CLAY. I ask the Senator from Maine, in charge of this bill, if that amendment is not something unusual?

Mr. HALE. It was done in the case of the predecessor, who was a very competent and valuable officer, but the main reason for it is that the Marine Corps, by the constant increases that Congress has made, has run up from 2,000 to 9,000 men. It is almost as large as a corps. The commandant has more responsibility than any major-general in the Army. Instead of making it permanent the committee reported the amendment, as was done in General Heywood's case, that it be made applicable only to the present incumbent. I think it ought to be permanent, the corps has become so large; but the committee did not report it in that way.

Mr. SPOONER. If it is limited to him it is well deserved.

Mr. HALE. It is well deserved.

Mr. CLAY. That may be true, but it is a bad practice to legislate in the interest of a particular person in office. We ought to legislate generally, and not for any particular person. It is a bad precedent, and I do not believe we ought to do it.

Mr. SPOONER. It is not a precedent. We have been doing it in the Army now for a long while.

Mr. CLAY. I am not prepared to say that we ought to do it.

Mr. SPOONER. Here is a man who has a splendid record for gallantry and intelligence and force.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary continued the reading of the bill and read to line 13, on page 82, the last item read being as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract or in navy-yards as hereinafter provided—

One first-class battle ship, carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and greatest practicable radius of action, and to cost, exclusive of armament and armor, not exceeding \$6,000,000: *Provided*, That before approving any plans or specifications for the construction of such battle ship the Secretary of the Navy shall afford, by advertisement or otherwise, in his discretion, a reasonable opportunity to any competent constructor who may desire so to do, to submit plans and specifications for his consideration, for which said plans, should the same be used by the Department and be not submitted by or on behalf of a successful bidder for the contract, such compensation shall be paid as the Secretary of the Navy shall deem just and equitable out of the amount herein appropriated under the head "Contingent, Navy."

Mr. KEAN. I should like to ask the Senator from Maine whether that item for an increase of the Navy is in the usual form? It seems to me that it does not exactly conform to the regular way that increases for the Navy have been made. The question is whether the text should not be amended in some way so as to make it more specific.

Mr. HALE. In providing for new battle ships Congress has always heretofore exercised its discretion and has provided limitations as to displacement and as to size, so that the Department has taken its guidance from the limitations fixed by Congress. In this case there is no limitation of any kind whatever in the bill, if that is what the Senator refers to.

Mr. KEAN. That is what I refer to. There is no limitation as to the draft of the ship, or anything of that kind.

Mr. HALE. Nor as to displacement.

Mr. KEAN. I notice a very interesting table in the report of the Committee on Naval Affairs giving the draft of some foreign battle ships, the depth of the Suez Canal, the depth to which the Panama Canal is proposed to be built, and also the depth of various harbors existing and projected.

Mr. WARREN. The provision does seem to be restrictive, however, in that the new battle ship must carry "as heavy armor and as powerful armament as any known vessel of its class."

Mr. KEAN. That is the only description I see of the vessel.

Mr. HALE. That is not exactly a restriction. It is an enlargement.

Mr. WARREN. It is an enlargement; but it is restrictive in one sense, because the Department can not accept anything that is lighter for the armor or armament.

Mr. KEAN. How are we to know what is the idea to be carried out?

Mr. WARREN. I am hoping that the Senator from New Jersey will find out.

Mr. KEAN. I am trying to find out from the Senator from Maine.

Mr. HALE. Undoubtedly it is a very general provision without any kind of limitation that the House has put in the bill.

Mr. WARREN. Does not the Senator think it is too loosely drawn?

Mr. HALE. It is pretty loosely drawn, there is no doubt. Of course this could be done. If the ship is to be so enormous it will take six months or perhaps more for the plans to be made. It is to be a structure so entirely different from anything that has been authorized heretofore that the Department has to make plans and give measurements and to form a complete scheme. The contest had been made in the House and was carried there by a large majority in favor of the ship. The only thing that could be done would be to provide that at the next session of Congress, before any bids are offered to be received, the Secretary of the Navy shall submit to Congress what would cover the suggestion of the Senator from New Jersey and the Senator from Wyoming—a plan giving in detail what the Department proposes with this ship, which will cost when she is completed somewhere from \$10,000,000 to \$11,000,000.

Mr. CLAY. Right there I shall be glad to ask the Senator what amount have we paid for battle ships heretofore? How much did we pay for the *Oregon*? I believe the *Oregon* cost us more than any other ship we built, did it not?

Mr. HALE. No. The *Oregon* was of the class of 10,000 or

11,000 ton ships, and she cost about half as much as this ship will cost.

Mr. CLAY. Have we ever heretofore built a battle ship that cost exceeding six and a half million dollars?

Mr. HALE. The last four which were provided for will cost about \$7,000,000, including the armament.

Mr. CLAY. This is to cost six millions, not including the armament.

Mr. HALE. Yes. This will cost—so it has been stated to us—when completed, armor and armament, all of which is left indefinite, somewhere from ten to eleven million dollars.

Mr. CLAY. I understood that at the last session of Congress the naval committees of both the House and Senate adopted the policy of building two battle ships a year; and I remember the Senator from Maine stated during the last session of Congress that this year we would try to adopt the policy of building one battle ship a year. If that be true, while we have reduced the number of battle ships from two to one, the fact is that this one battle ship will cost about as much as two battle ships have cost heretofore. Then there really has been no decrease in the expenditure.

Mr. HALE. I do not see any other way to meet the suggestion than to provide that before any bids shall be invited or received the Secretary of the Navy shall report at the next session of Congress the plans and specifications for such battle ships, including their displacement, draft, dimensions, etc.

Mr. WARREN. I wish the Senator from Maine would offer an amendment of that kind. As the provision now stands it reads:

Provided, That before approving any plans or specifications for the construction of such battle ship the Secretary of the Navy shall afford, by advertisement or otherwise, in his discretion, a reasonable opportunity to any competent constructor who may desire so to do, to submit plans and specifications.

It would seem as if pretty much all of the time between now and the opening of the next session of Congress would be consumed in that way. I think it would not very much delay the ultimate outcome, and it certainly would put it nearer the control of Congress if the Senator from Maine would amend that section in the manner he has indicated, so that it might come back to Congress for final approval.

Mr. HALE. Then I would move to add, on page 82, at the end of line 13, after the word "Navy," this proviso:

Provided, That before any proposals for said battle ship shall be issued or any bids received and accepted, the Secretary of the Navy shall report to Congress at its next session full details covering any plans and specifications for such battle ship, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

That will meet the objection raised by Senators, and I think it is a very good amendment.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Maine [Mr. HALE].

The SECRETARY. On page 82, line 13, after the word "Navy," it is proposed to insert:

Provided, That before any proposals for said battle ship shall be issued or any bids received and accepted, the Secretary of the Navy shall report to Congress at its next session full details covering any plans and specifications for such battle ship, including its displacement, draft, and dimensions, and the kind and extent of armor and armament therefor.

Mr. HALE. I do not want the Secretary to report the detailed plans. I suppose those words will have to be stricken out. I wish the Secretary would again read that part of the amendment.

The Secretary read as follows:

The Secretary of the Navy shall report to Congress at its next session full details covering any plans and specifications—

Mr. HALE. Covering the type of such battle ship.

Mr. WARREN. I call the attention of the Senator from Maine to the first two or three lines of the amendment. Does he propose to strike out the plans?

Mr. HALE. Leave out "plans," so that it will provide for the type of ship.

The VICE-PRESIDENT. Is there objection to the adoption of the amendment which has just been stated?

Mr. WARREN. I ask that the amendment may be again stated.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The Secretary read as follows:

Provided, That before any proposals for said battle ship shall be issued, or any bids received and accepted, the Secretary of the Navy shall report to Congress at its next session full details, covering the type of such specifications for such battle ship—

Mr. HALE. No; that will not do. It should read "covering the type of such battle ship and the specifications," so that we may see what kind of a ship it is proposed to build.

Mr. SPOONER. We must have the plans and specifications, for they are called for in the bill.

Mr. HALE. Yes.

Mr. WARREN. Unless this amendment cuts them out. I wish to call attention of the Senator from Maine to the first part of the amendment in reference to the submission of proposals. That seems a good provision.

Mr. HALE. I think it is a wholesome provision. Of course, the theory of this is that the Secretary goes on and makes his plans. He has to do that. I do not know that I want him to submit detailed plans; but before he issues any proposal it will be necessary to have plans.

Mr. WARREN. This clause will provide that he receives proposals before he submits plans.

Mr. HALE. I do not want him to do that.

Mr. WARREN. No; but you want to authorize him to ask for a submission of plans.

Mr. HALE. Undoubtedly; I do not propose to strike that out.

Mr. WARREN. The only question is, whether the first two lines of the amendment as stated do not cut that out.

Mr. HALE. No; that does not apply to that. It only applies to the ship itself.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE]; which will be stated.

The SECRETARY. On page 82, after line 13, it is proposed to insert:

Provided, That before any proposals for said battle ship shall be issued, or any bids received and accepted, the Secretary of the Navy shall report to Congress, at its next session, full details covering the type of such battle ship and the specifications for the same, including its displacement, draught, and dimensions, and the kind and extent of armor and armament therefor.

The amendment was agreed to.

Mr. BACON. Mr. President, if I understand the purpose of this provision, it really marks the beginning of a new era, or rather, I should say, a new departure in the character of vessels of war to be constructed by this Government. I suppose we all understand the fact that the influence which has brought about the provision for the construction of this monster battle ship is the information which we have had as to the construction of a similar ship by one of the great naval powers of Europe. I desire the opinion of the Senator from Maine [Mr. HALE] on that proposition.

Mr. HALE. The Senator will excuse me. I was interrupted, and did not catch his remark.

Mr. BACON. I understand the Senator can not listen to two Senators at the same time. I do not criticise him for his failure to do so.

What I wanted to say was that our action in this matter, I presume, is based upon the assumption that a ship of this class is so superior in its power to the ships of a lower class that if one nation has a ship of this description those who may be called upon to cope with that nation must have vessels of the same class. If that suggestion were limited in its application to one or two ships, it would be a comparatively insignificant matter, but the point about which I want to ask the Senator's suggestion is this: Whether if it is recognized that ships of this class are so much more powerful than ships of another class, that recognition will not involve necessarily in the future not simply the construction of one great battle ship, but practically the discarding of all ships of a minor class and in the future the furnishing of our Navy practically with vessels of this class? I do not know whether or not the Senator has been able to hear me, because he has been so frequently interrupted by others during the time I have been speaking.

Mr. HALE. I think I see clearly what the Senator has in mind. One reason why the amendment which has been agreed to is a good one is that before anything final is done about this ship—

Mr. BACON. The Senator is not directing his attention to what I stated at all. I said nothing about the amendment.

Mr. HALE. I shall come to that presently.

Before anything final is done and before we enter upon the construction of this ship we shall, under the terms of the amendment, have it reported to us how large this ship is intended to be and what her dimensions are to be before Congress acts in appropriating. We shall also have the benefit of the time between now and next December in seeing what is developed in other nations. Some of them propose to experiment in the direction of these big ships. I do not think that any of them have gone further than an 18,000-ton ship, but the design of the Department in this case is a 20,000 or a 21,000 ton ship—away beyond what any other nation has proposed. Just how that immense size and increase of size will be taken we will know in December, and Congress will be then better pre-

pared to say what it will do beyond that on the very question raised by the Senator, which is a very grave question.

Mr. TILLMAN. Will the Senator allow me?

Mr. HALE. I hope the Senator will wait until I answer the Senator from Georgia.

Mr. TILLMAN. Very well.

Mr. HALE. If we built a 20,000-ton or a 21,000-ton ship—which is enormous and beyond what anybody anywhere else has thought about—it will be a question whether we shall embark in a scheme by which all subsequent vessels that we build shall be of that kind, therefore making obsolete those which we have already built, and we shall be in a better condition to meet that question next December, when we will see just what the Department proposes to do as to this enormous ship. At present we do not know.

Mr. BACON. I understand, then, from what the Senator now says, while this authority is given to the Secretary of the Navy, it is not understood that the Government is so thoroughly committed to the construction of this vessel but that if between now and next December the committee, over which the Senator so ably presides, will be able to bring to the attention of the Senate reasons why it should not be constructed, there would be time to call a halt?

Mr. HALE. All that will be left to Congress.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I will in just a moment, if the Senator will pardon me until I finish my sentence. I want to say to the Senator from Maine [Mr. HALE] that I am very much gratified by his statement, because I have been impressed with the importance of this matter, not as concerning this particular ship, but as to the tremendous departure upon which we have entered, if this is determined upon as the type of ship which we are compelled to have in order to cope with other nations who construct similar ships. Now, I yield to the Senator from South Carolina.

Mr. TILLMAN. I want to ask the Senator from Maine if the delay involved in this amendment makes it somewhat problematical as to whether or not this ship will be finally ordered, what is the particular need of an appropriation now?

Mr. HALE. There is not any appropriation now.

Mr. TILLMAN. There is \$6,000,000 appropriated for this ship of the type of the *Dreadnought*.

Mr. HALE. That is a limitation exclusive of armor and armament. It will cost nearly twice that, including those items.

Mr. TILLMAN. I know, but the Senator well understands—because he and I have often discussed this question together in the Naval Committee—that it seems to be the ambition of the board of officers who plan our vessels to outdo themselves every succeeding year. They grow bigger and bigger, until, I am afraid, they will become like the frog who tried to equal the ox, and burst after a while by swelling. It appears that there ought to be some stopping place in this matter of naval construction, some limit of utility and common sense, beyond which the Congress would ask the Navy Department to halt.

We have read of battles between whales and swordfish. I have read such stories, as every man here has, and we know how much trouble the great leviathan had in battling with a school of swordfish. That simile occurs to me as an illustration of the inutility, the uselessness, and the dangerous condition into which a great ship like this might be if a lot of torpedo boats or submarines or other destructive agencies, or even smaller vessels having equally good guns that could pierce her armor or pierce her hull, should be her adversaries.

There is in an immense ship such as is contemplated such an immense amount of money involved and so many lives involved that I think it is time the question ought to be seriously considered by Congress whether we ought not to demand of the Navy Department that they shall halt, not in the proper and legitimate expansion of the Navy, but in its excessive growth. It seems to me we are getting a navy that is about as large as we can well afford to keep going. Whenever we shall have completed the vessels now ordered, the naval appropriation bill will run up to \$50,000,000 more than is required now; and the ambition of naval officers to continue to grow and grow and expand, to emulate Germany and to emulate England and to outdo them, to my mind is reprehensible. It is incumbent upon us here to indicate that we do not approve of this policy, and that, while we are willing always to vote the money necessary to give us a navy commensurate with the needs of the country, we have very nearly reached that point, and we do not want this great big \$10,000,000 vessel which a little rock might destroy. Senators will recollect that four or five of these battle ships ran aground and came near sinking each other in New York

Harbor only this last winter; and we have recently had a disaster in the shape of an explosion in a turret of one of our battle ships. Our naval officers appear to be very careless in handling these costly vessels or very unfortunate or something—I do not know what is the matter—and we will either have to begin to check up on this kind of construction or we will have to increase the efficiency of those handling these ships, else it will be a very costly lesson we will have learned after a while.

Mr. BACON. Mr. President—

Mr. HALE. Will the Senator from Georgia allow me?

Mr. BACON. Certainly.

Mr. HALE. All the considerations presented by the Senator from South Carolina [Mr. TILLMAN], I think, are met by the amendment to which the Senate has agreed. I do not think anybody wants to now increase the naval establishment over and beyond what we have and will have when the ships now building are completed. It has been a sort of understanding that one ship a year should be provided to take the place of the ships that will go out of commission as they reach that point in the natural life of ships when they have to be retired.

When we get, Mr. President, the American Navy as it will be when the ships now building are completed, it will be in effectiveness the second navy in the world. It will not be as large as the French navy, but our ships will be better, more modern, more useful, more potent, and terrible engines of war, should there ever be war. I do not think that we need to increase their number, but only to provide for keeping the Navy up by constructing perhaps a ship a year.

What type of ship that shall be I do not think we are prepared to say. We might strike out this provision entirely and do nothing; but I do not think that would be very wise, inasmuch as it has passed the House of Representatives, after full debate, and has had put upon it the amendment agreed to by the Senate, which defers final action until next winter. That course will not delay anything, because the plans for a ship of this kind involve such an immense labor that I fancy the Secretary of the Navy, with all his officers, will have to whip up his force to get ready a report to us in December as to just what kind of a ship shall be built. Then we can settle the question whether we are going into the building of these prodigious ships, and, if so, how far and to what extent.

Mr. BACON. Mr. President, I am gratified that there is this much time reserved by Congress for examination and calm conclusion to be reached. At the same time I am very free to confess that I have very little hope but what the result will be that the construction of this ship will be determined upon. I have every confidence in the conservatism of the honorable Senator who is chairman of the Naval Committee [Mr. HALE], and I know that if it is possible to reconcile the omission to build this ship with what may be considered the public needs, the ship will not be built.

The serious feature connected with it, to my mind, is the one which I have already suggested. Of course I recognize the fact that the amendment offered by the Senator from Maine, which has been agreed to by the Senate and which has been ingrafted upon the bill, is as far as we can go now in conserving what may be to our interest in the future; but, if the argument upon which the construction of this ship is based is that the fact of a similar ship or of similar ships being constructed by other nations makes us unable to cope with those nations unless we have ships of similar magnitude and power, the consequences to flow from that conclusion are immense and appalling. The argument must be based upon the suggestion already made that our ships would be unable to cope with ships of that class; otherwise it would not be necessary to build a ship to cope with such ships. If that conclusion is recognized as a correct one, it must follow that all the ships we now have will in a short time be obsolete.

I recollect, Mr. President—it has been but a few years ago—when the Senator from Maine, in charge of the naval appropriation bill, then as now spoke of the proposition to construct an \$8,000,000 ship. The largest type before that was a \$6,000,000 ship; and the Senator from Maine deprecated the construction of an \$8,000,000 ship. That was then considered as the largest, that was the ne plus ultra, something beyond which we would not go; yet in two or three years we stand confronted with a proposition that almost 50 per cent in point of magnitude and expense must be added to the type of our naval vessels.

Of course, as suggested by the Senator from South Carolina [Mr. TILLMAN], the time is only distant a little in the future when this \$11,000,000 ship will be considered to be too small to cope with the even larger battle ships which other nations will construct.

Mr. TILLMAN. We will have \$15,000,000 ships.

Mr. BACON. We will have \$15,000,000 ships to keep up with the ships which some other nation will construct.

I confess that the problem suggested is one very difficult of solution. We ought, of course, to be prepared to hold our own, to have a naval strength capable for all our needs; but whether or not anything beyond that is necessary is a grave question. If it is not necessary, the future in the matter of naval construction, in the sacrifice of what has already been constructed, and in the tremendous expense in the creation of new navies, one after the other, as these developments come in succession, is truly, I repeat, appalling.

Mr. LODGE. Mr. President, I think it is true—and I have made some inquiries in regard to the subject—that we have to-day fewer obsolete ships in our Navy than has any country in the world. The fact is, I think, that to-day there is only one ship—I am speaking now of those ships which constitute the backbone of the Navy, which constitute the Navy, the battle ships and armored cruisers—I think there is only one to-day that would be called obsolete and that the Department would be glad to withdraw, and that is the *Texas*, which was built on English plans. I repeat we have fewer obsolete ships than any other country in the world. We have built and are building a naval force which will stand third in numbers and tonnage, and, as the Senator from Maine has said—and I quite agree with his belief—it will be second in point of fighting efficiency.

The Navy is large enough. All that is necessary for us to do is to maintain it at the high point of efficiency and perfection which it has now reached. We want to have the force, the instrument, as perfect as possible.

The very large ships, of which England has launched one, and, I believe, Germany is planning for two, are, I suppose, to a great extent experimental. I think there are differences of opinion as to their value even among naval experts themselves. But I do believe that in order to keep our force at the highest point of efficiency, it is necessary for us to make an experiment in that direction. I think the Senator from Georgia is mistaken in saying that, even if ships of this large size—18,000 or 20,000 tons—should prove successful and all that their advocates expect, it would render obsolete the other ships in the Navy. We have to-day in the Navy ships of 10,000 tons, of the *Oregon* class, and ships of 16,000 tons, of the *Connecticut* class.

Mr. BACON. Will the Senator from Massachusetts pardon me? I do not wish to be understood as suggesting that they would immediately become obsolete.

Mr. LODGE. I understand that.

Mr. BACON. I mean that as soon as the navies of other countries are filled with the larger class of ships our present ships would be unable to cope with them, and would thus become obsolete.

Mr. LODGE. The *Oregon*, the *Massachusetts*, and the *Indiana*, which were our first three battle ships, are to-day, despite their inferior speed and despite their low free board, which I regard now as an admitted mistake in design, with their heavy guns, perfectly fit to take their place in the line of battle. I say that on the authority of some excellent naval officers, whose judgment, I believe, would command universal respect. They are well armored, and they carry heavy guns, and the fact that we have some 16,000-ton vessels just coming off the stocks now and going into commission does not render those ships useless at all.

The Senator from South Carolina referred to the carelessness of our officers. I do not think they are to be blamed, although there may have been carelessness in one recent instance. But those accidents and mishaps are likely to happen in any navy. It is only a few days ago that one of the new battle ships of the English navy, the *Montague*, was held up on a perfectly well known rock in Bristol Channel and was seriously if not fatally injured. I believe we are pursuing exactly the right policy. We have reached the number of ships which is sufficient. I do not think we ought to have any further expansion in numbers at present, certainly. But I do think that it is all essential that we should maintain our present force of battle ships at the highest stage of efficiency, and as we supply the loss year by year we should supply it by ships of the very best and most modern type. The amendment suggested by the Senator from Maine will certainly save us from any undue committal to this policy. But I believe myself that it is a sound one, and that Congress will adopt the House provision when the time comes.

Mr. BACON. Will the Senator permit me to make another inquiry of him?

Mr. LODGE. Certainly.

Mr. BACON. If this particular type of ship should be deemed essential or if it should be deemed to go beyond the experimental stage, do I understand the Senator to be of the opinion that

hereafter that is the type of ship which we should construct in keeping up the Navy?

Mr. LODGE. That it is impossible for anyone to answer; but my judgment would be that the one ship we need a year—and I see no reason to build more—to supply loss and wearing out should be of the most successful type. If the large ship is found to be best, I suppose the new ships as they are built would be of the large type in preference to the small one.

Mr. BACON. Will the Senator from Massachusetts permit me to ask him another question, as he has been giving this matter careful thought and investigation. The Senator speaks of this type of ship as being experimental. I should like to get the suggestion of the Senator as to what will determine the question; what will be the development which will put it beyond the experimental stage? Anything short of experience in battle?

Mr. LODGE. Yes; I think short of experience in battle. They can tell whether it is advantageous to have ships of this very large size, which, of course, carry heavier armaments of guns than the other ships carry, or whether a ship of 2,000 or 3,000 tons less is on the whole better. I think that can be told without going to the extreme of battle. But it is to be noted that the Japanese, who have had the largest experience and the latest in the management of battle ships and torpedo destroyers, are building large armored ships, and I think their judgment is as good and as recent as anybody's.

Mr. BACON. The question whether or not a ship of a certain type is efficient can be determined in time of peace, so far as speed is concerned and so far as power of guns is concerned, but the actual experiment which will test the question whether it is desirable or not can only be determined in battle.

Mr. LODGE. A great deal can be done by maneuvering, as the Senator from New Hampshire [Mr. GALLINGER] suggests, and by testing the speed.

We led the world in building a battle ship of 16,000 tons. We began the building of big ships, and the success of that policy has been demonstrated. However, I know there is a division of opinion as to whether it is better to go beyond that, and that point can only be settled by trying at least one ship. If we wish to keep up, as we do, I think, the highest efficiency, it seems to me it is the part of wisdom to build this ship and make our own experiment with it. The Japanese opinion, which I regard as perhaps the best opinion in the world at this moment, certainly is that the armored battle ship is the essential feature of the navy.

Mr. TILLMAN. I should like to ask the Senator from Massachusetts a question.

Mr. LODGE. Certainly.

Mr. TILLMAN. I have not been able to discover the information, although it may exist somewhere; but have we had these battle ships, or has any nation had them, sufficiently long to know within reasonable limits what is the life of one of them? The Senator speaks of one a year, taking the place of those that go out by the limitation of its life or usefulness.

Mr. LODGE. There are casualties and there is the natural wearing out. We have not one that has become obsolete. I was very much pleased to hear that the *Oregon* and the *Indiana* and the *Massachusetts*, although considered now of inferior type, are regarded as perfectly effective vessels to put in line of battle. They were built fifteen years ago.

Mr. TILLMAN. I do not think we have any that are obsolete.

Mr. LODGE. Not one.

Mr. TILLMAN. We have vessels that are not up to the latest type.

Mr. LODGE. We have not a single obsolete vessel in what we may call the fighting line of the American Navy. The *Texas* was a poor one.

Mr. TILLMAN. And yet the *Texas* behaved very beautifully at Santiago.

Mr. LODGE. Yes; but she is of very inferior speed. That is due to defects in construction. She is not worn out. On these vessels that I have referred to considerable money has been spent.

Mr. TILLMAN. Have we not been spending a great deal of money on them every year or two?

Mr. LODGE. No; the Senator is mistaken. A large amount has been spent on them within the last year, because they have been done over, but before that there was nothing but the ordinary and usual repairs. They were extremely well built.

Mr. TILLMAN. I should like to ask a question. With the number now in the neighborhood of thirty—twenty-seven, I believe it is—will building one a year be sufficient to keep the Navy at that standard? In other words, in order to arrive at that determination we must find out what is the average life of a battle ship. We have to make some little allowance for casual-

ties, disasters—a ship getting sunk, or something like that. I want to know, if anyone is able to tell me—I have not been able to find out—what is the average life of one of these ships with steel hulls?

Mr. LODGE. The three that were authorized in 1890 have been refitted and done over this year.

Mr. TILLMAN. But their hulls were not done over.

Mr. LODGE. No; their hulls were not, and they, we know, have had a life of eleven or twelve years certainly.

Mr. TILLMAN. Are they not now just about as efficient as ever?

Mr. LODGE. They are as efficient as they ever were. We have improved the type—

Mr. TILLMAN. Are they not likely to last another fifteen years with another doing over?

Mr. LODGE. That of course I can not say.

Mr. TILLMAN. Does the Senator know anything about the life of English battle ships? England went into this business before we did, and has older ships than ours.

Mr. LODGE. England has many ships not fit to go into the fighting line, because they are armored with the compound iron plates, inferior plates. Our vessels are armored with the very best plates as a rule. In fact, we have no compound iron-armored plates. I do not know how many ships in the English navy can be said to be obsolete. I am satisfied that one ship a year will enable us to maintain our Navy in its present efficiency.

Mr. HALE. On page 72 I move to strike out lines 11, 12, 13, 14, and 15, and insert what I send to the desk.

The SECRETARY. On page 72, in lieu of the proposed amendment of the committee in lines 11, 12, 13, 14, and 15, it is proposed to insert:

That the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall have extra numbers in said list and who shall take rank therein according to that held by them, respectively, when so appointed, if such appointees are officers of the Navy, otherwise at the foot of said list.

The amendment was agreed to.

Mr. HALE. The only amendment left is on page 7. After the amendment which has been agreed to there I move to insert what I send to the desk.

The SECRETARY. On page 7, line 6, after the word "rank," it is proposed to insert:

Provided, That when such office becomes vacant the solicitor shall thereafter be appointed from civil life in the manner and at the compensation now provided by law.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Increase of the Navy," on page 84, line 16, before the word "tests," to strike out "competitive;" and in line 19, before the word "tests," to strike out "competitive;" in the same line, before the word "months," to strike out "twelve" and insert "nine;" and in line 20, after the word "act," to insert "and for such purpose the sum of \$1,000,000 is hereby appropriated;" so as to make the clause read:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase subsurface or submarine torpedo boats to an amount not exceeding \$1,000,000, after such tests as he shall see fit to prescribe to determine the comparative efficiency of the different boats for which bids may be submitted: *Provided*, That such tests shall take place within nine months from the date of the passage of this act; and for such purpose the sum of \$1,000,000 is hereby appropriated.

Mr. KEAN. I have no objection to agreeing to the amendment, but if I caught the reading of it correctly, it is a contract for \$1,000,000, authorized by the House of Representatives, but it seems by the way this is printed—

Mr. HALE. We put the money in.

Mr. GALLINGER. The House forgot it.

Mr. KEAN. That is the reason for the increase of a million dollars?

Mr. HALE. Yes, sir. The House sought to keep the figures down by leaving out the appropriation.

Mr. KEAN. But they wanted the boats.

The amendment was agreed to.

Mr. HALE. On page 85, line 5, I move to strike out the words "herein authorized."

The SECRETARY. On page 85, line 5, after the word "vessels," it is proposed to strike out the words "herein authorized."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 85, line 9, to increase the appropriation for the total increase of the Navy from \$32,975,829 to \$33,975,829.

The amendment was agreed to.

The next amendment was, on page 85 line 14, after the word "given," to insert "herein;" so as to make the clause read:

That no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington unless specific authority be given for such expenditure.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. McCUMBER. I offer the amendment I send to the desk.

The SECRETARY. On page 38, after line 16, it is proposed to insert the following:

Naval station, Hawaii: For the reclamation of that portion of the naval station at Honolulu, Hawaii, known as the "Reef," from materials now being dredged from the harbor at Honolulu, and for the necessary dikes or retaining walls, \$35,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

Mr. CLAY. I wish to call attention to page 15, lines 23 and 24. The bill as it passed the House provided "toward the accumulation of a reserve supply of powder and shell, \$1,000,000." On motion of the committee, the Senate has stricken out "one million" and inserted "two million three hundred thousand" dollars—more than double the appropriation for that item. There ought to be some explanation of it.

Mr. HALE. The Department asked for \$4,600,000, and the Secretary appeared before the committee and showed that we are very hard up with reference to powder and shell and in a condition where we may at any time find ourselves without any supplies or stores. The committee did not give what the Secretary and the Department asked for, but after the fashion of appropriation bills and other things, we split the difference and gave them half that they asked. That applies also to reserve guns.

Mr. CLAY. The Senate has doubled the House appropriation.

Mr. HALE. It does not in any way meet what they want, but it gives them a reasonable sum. We have to have powder and shells and guns, and Senators must remember that the naval establishment is on the highroad to more and more expense all the time. Every ship we launch requires to have a force of men, and it costs all the way from half a million to three-quarters of a million to run it. We must have powder and shells and guns and everything of that kind. Some day or other the country will appreciate what Congress is doing for the Navy and how immense the sums are that we are giving and how immense the sums must be to keep up this great Navy of ours. The committee has dealt with it as well as it could. The House struck down a good many items. The Senate has increased hardly any items. These are the only ones of any size that the Senate has increased, and instead of giving the Department all they wanted we give them half.

Mr. DICK. I desire to offer an amendment.

The VICE-PRESIDENT. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 6, at the end of line 10, it is proposed to insert:

Provided, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*, That the present pay and allowances of any officer now in the Navy shall not be reduced.

The amendment was agreed to.

Mr. GALLINGER. I submit an amendment to be inserted immediately following the amendment just agreed to.

The VICE-PRESIDENT. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert, after the amendment just agreed to, the following:

Provided further, That from and after the passage of this act the pay and allowances of civil engineers and professors of mathematics in the Navy shall be the same as are or may be provided by or in pursuance of law for naval constructors, and the pay and allowances of assistant civil engineers the same as for assistant naval constructors.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. FORAKER. I was called out of the Chamber for a moment, and while I was out, on page 72, an amendment was considered which I should like to have time to read. [After a pause.] In view of the explanation made to me I will not offer the amendment I had in hand to offer.

Mr. HALE. I think that is all right.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 2623. An act for the extension of Euclid street, in Meridian Hill, District of Columbia;

S. 4299. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels;

S. 4698. An act for the preservation of American antiquities;

S. 5489. An act to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district;

S. 6288. An act to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes; and

S. 6329. An act authorizing James A. Moore, or his assigns, to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 14397. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1907;

H. R. 17576. An act for the entry of agricultural lands within forest reserves; and

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1160) granting an increase of pension to Eliza Swords, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALDERHEAD, Mr. CHANEY, and Mr. DIXON of Indiana managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9813) granting a pension to Harriet T. Sanders, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL W. SMITH, Mr. FULLER, and Mr. KELIHER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MANN, Mr. STEVENS of Minnesota, and Mr. ADAMSON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. SLAYDEN managers at the conference on the part of the House.

INSPECTION OF MEAT PRODUCTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

The Senate and House of Representatives:

I transmit herewith the report of Mr. James Bronson Reynolds and Commissioner Charles P. Neill, the special committee whom I appointed to investigate into the conditions in the stock yards of Chicago and report thereon to me. This report is of a preliminary nature. I submit it to you now because it shows the urgent need of immediate action by the Congress in the direction of providing a drastic and thoroughgoing inspection by the Federal Government of all stock yards and packing houses and of their products, so far as the latter enter into interstate or foreign commerce. The conditions shown by even this short inspection to exist in the Chicago stock yards are revolting. It is imperatively necessary in the interest of health and of decency that they should be radically changed. Under the existing law it is wholly impossible to secure satisfactory results.

When my attention was first directed to this matter an investigation was made under the Bureau of Animal Industry of the Department of Agriculture. When the preliminary statements of this investigation were brought to my attention they showed such defects in the law and such wholly unexpected conditions that I deemed it best to have a further immediate investigation by men not connected with the Bureau, and accordingly appointed Messrs. Reynolds and Neill. It was impossible under the existing law that satisfactory work should be done

by the Bureau of Animal Industry. I am now, however, examining the way in which the work actually was done.

Before I had received the report of Messrs. Reynolds and Neill I had directed that labels placed upon any package of meat food products should state only that the carcass of the animal from which the meat was taken had been inspected at the time of slaughter. If inspection of meat food products at all stages of preparation is not secured by the passage of the legislation recommended I shall feel compelled to order that inspection labels and certificates on canned products shall not be used hereafter.

The report shows that the stock yards and packing houses are not kept even reasonably clean, and that the method of handling and preparing food products is uncleanly and dangerous to health. Under existing law the National Government has no power to enforce inspection of the many forms of prepared meat food products that are daily going from the packing houses into interstate commerce. Owing to an inadequate appropriation the Department of Agriculture is not even able to place inspectors in all establishments desiring them. The present law prohibits the shipment of uninspected meat to foreign countries, but there is no provision forbidding the shipment of uninspected meats in interstate commerce, and thus the avenues of interstate commerce are left open to traffic in diseased or spoiled meats. If, as has been alleged on seemingly good authority, further evils exist, such as the improper use of chemicals and dyes, the Government lacks power to remedy them. A law is needed which will enable the inspectors of the General Government to inspect and supervise from the hoof to the can the preparation of the meat food product. The evil seems to be much less in the sale of dressed carcasses than in the sale of canned and other prepared products; and very much less as regards products sent abroad than as regards those used at home.

In my judgment the expense of the inspection should be paid by a fee levied on each animal slaughtered. If this is not done, the whole purpose of the law can at any time be defeated through an insufficient appropriation; and whenever there was no particular public interest in the subject it would be not only easy but natural thus to make the appropriation insufficient. If it were not for this consideration, I should favor the Government paying for the inspection.

The alarm expressed in certain quarters concerning this feature should be allayed by a realization of the fact that in no case, under such a law, will the cost of inspection exceed 8 cents per head.

I call special attention to the fact that this report is preliminary, and that the investigation is still unfinished. It is not yet possible to report on the alleged abuses in the use of deleterious chemical compounds in connection with canning and preserving meat products, nor on the alleged doctoring in this fashion of tainted meat and of products returned to the packers as having grown unsalable or unusable from age or from other reasons. Grave allegations are made in reference to abuses of this nature.

Let me repeat that under the present law there is practically no method of stopping these abuses if they should be discovered to exist. Legislation is needed in order to prevent the possibility of all abuses in the future. If no legislation is passed, then the excellent results accomplished by the work of this special committee will endure only so long as the memory of the committee's work is fresh, and a recrudescence of the abuses is absolutely certain.

I urge the immediate enactment into law of provisions which will enable the Department of Agriculture adequately to inspect the meat and meat food products entering into interstate commerce and to supervise the methods of preparing the same, and to prescribe the sanitary conditions under which the work shall be performed. I therefore commend to your favorable consideration and urge the enactment of substantially the provisions known as Senate amendment No. 29 to the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, as passed by the Senate, this amendment being commonly known as the "Beveridge amendment."

THEODORE ROOSEVELT.

THE WHITE HOUSE, June 4, 1906.

MILITARY ACADEMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. SCOTT, Mr. HEMENWAY, and Mr. PETTUS as the conferees on the part of the Senate.

AIDS TO NAVIGATION.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

ELIZA SWORDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 1160) granting an increase of

pension to Eliza Swords, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendment, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

HARIET T. SANDERS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9813) granting a pension to Harriet T. Sanders, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask that the conference report on the rate bill may be taken up.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent that the Senate proceed to the consideration of the conference report on the rate bill. Is there objection? The Chair hears none.

The Senate resumed the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TALIAFERRO. Will the Senator from South Carolina yield to me for a moment? I have a very short bill that I should like to call up, and I ask the indulgence of the Senator from South Carolina.

Mr. TILLMAN. I am very much disposed always to be courteous to the Senator from Florida, or any other Senator, but it is very late. If I had assurances that some other Senator would not want me to yield to him, I would yield to the Senator from Florida.

Mr. TALIAFERRO. This bill will not take two minutes, unless there is objection.

Mr. TILLMAN. I will yield to the Senator, with the understanding that I can not yield to anybody else.

FLORIDA SEMINOLE INDIAN WAR.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 5924) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

The Senate resumed the consideration of the conference report on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. SPOONER obtained the floor.

Mr. FORAKER. Mr. President—

Mr. SPOONER. I yield to the Senator from Ohio.

Mr. FORAKER. Mr. President, I do not want to detain the Senate for any very great length of time, but I do want time enough to say a few words before the vote is taken.

In the first place, in common with every other Senator here, I object to the practice to which the conferees have resorted in this instance of putting new matter in the bill, thereby becoming legislators instead of intermediaries to adjust differences and bring the two Houses together. I need not dwell upon that, however, because the Senator from South Carolina [Mr. TILLMAN] in his remarks this morning admitted that it was a bad practice. He said that he did not himself approve of it, but that the conferees had resorted to it because of the exceptional circumstances attending the consideration of this measure.

I will not say anything in addition to what he said on that

subject. But what I want to call attention to, in the first place, is the change they have made as to the clause in regard to free passes. The Senate gave that subject very careful consideration. It did not recklessly make exceptions to the prohibition against granting free passes, but named a number of classes that it desired to have exempted from the operation of that prohibition because of the merit of their claims so to be exempted.

I desire to speak first in behalf of the railroad employees. After careful consideration the Senate determined that the employees for themselves and their families should have the privilege of securing passes from the railroads on which they are employed and other railroads that might be willing to give exchange passes. That has been part of the pay for their services rendered ever since we have been operating railroads in this country. It is a privilege which they merit. There is no class of men better entitled to such consideration than the men who take their lives in their hands and render this important service for all who have occasion to make use of our common carriers.

I would argue this at some length if I thought there was any necessity for it. I do not think there is any necessity, because almost every Senator, if not every Senator here, has received to-day, as I have, numerous telegrams protesting against this discrimination against them, or rather this denial to them of the rights and privileges which they have always enjoyed in this respect.

I do not know, Mr. President, why we should be solicitous to deny to so deserving a class the consideration that we showed for them when the Senate adopted the provision it sent to conference. It is something that does not cost the public anything. They are identified with the roads. It has always been the practice of the roads to allow this consideration. I think it should be continued. I hope, therefore, when our conferees go into conference again they will remember that not only did the Senate vote that they should have that consideration shown them, but that the Senate is still of the opinion that that consideration should be extended to them.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I wish to say to the Senator that it stands to reason that the Senate amendment must have been amended at the suggestion, and not otherwise, of the House conferees, or else we could not have amended it at all. I for one objected to this language which is in the bill, and accepted it only because I had to.

Mr. FORAKER. Well, Mr. President—

Mr. TILLMAN. And I will argue and plead with my brethren at the other end of the Capitol when we get together again to give us such consideration in connection with railroad employees at least as will continue to them, as I have always been in favor of doing, the privilege that they now enjoy of being transported free and of having their families transported free. But I can not tell what the House will do. It has some hard-headed men, too, and I do not know what we will do in conference. We will try to do the best we can, as we did in this instance.

Mr. FORAKER. I only wanted to express my own view about it, and I hope other Senators will do the same thing, so that the representatives of the Senate in the conference will at least know what is the wish of this body in that respect.

Now, there is another class of deserving men that we undertook to take care of, a much smaller class in point of numbers. They are the secretaries of the Young Men's Railroad Christian Association. They are people who are doing a great, good work, and it is essential that they should have opportunity to travel about over the roads without being subjected to the payment of compensation in the way of fares. They are doing service that makes men better, that makes the common carriers better and more careful of passengers who travel over them, safer and more acceptable than they otherwise would be.

I think they should be included; and, Mr. President, to make a long story short, I do not know of a class that the Senate named in its list of exceptions that should not be excepted from this prohibition. I hope the Senators will insist that the exceptions named by the Senate to the prohibition against passes shall be allowed.

Mr. TILLMAN rose.

Mr. FORAKER. Does the Senator wish to interrupt me?

Mr. TILLMAN. I was simply going to suggest to the Senator that it might do—I do not know whether it can be done; it certainly would meet my own views—if we could say who shall not have passes, limiting it to officers of the United States, Members of the House and Senators, officers of State governments and State legislatures, and then leave the railroads to haul whom they please free. That would do away with the crying evil, the

seductive, indirect bribery which is the cause of all this free-pass agitation. But I do not know; the House might not be willing to accept that.

Mr. FORAKER. I understand the office of a conferee is one that is not by any means certain as to its results, but it is proper that conferees should know what it is that those they represent desire to have incorporated.

Now, I pass that whole matter by, not because I have said all I should like to say, but because it is well understood, and I only wanted in a word or two to suggest what my desire is in regard to it.

Mr. President, I find that the conferees have also dropped out of the bill the amendment adopted by the Senate which required that common carriers should give equally good service and accommodations to all who pay the same compensation. I want to speak about that for a moment.

I offered the first amendment on that subject, and when the Senate voted on it, because it was coupled with another provision, or for some other reason, it failed of adoption. Later the Senator from Missouri [Mr. WARNER] offered practically the same amendment, though couched in somewhat different language. When he offered it I offered an amendment to his amendment, which he accepted, and in the form in which it appeared when he accepted it it was adopted by the Senate.

After it had been adopted I commenced to receive, as other Senators did, protests from Afro-Americans, some from Boston, some from Baltimore, some from other points, against the adoption of that amendment, upon the theory that it was a recognition of what they called the "jim-crow-car" system which has been inaugurated and is now being enforced in some of the Southern States.

When I offered that amendment I had in view only the purpose of securing for those who were compelled to take separate coaches, wherever they may be so compelled, equally good accommodations. I had no purpose, and so explained, of interfering with the established conditions anywhere, for I knew that was impossible in connection with this rate bill. I had no purpose to approve or disapprove of the so-called "jim-crow system." But I did have in view doing that which every legislature throughout the South, where they provide separate coaches, has announced they have done, namely, that those who are required to ride in separate coaches shall be given equally good coaches and equally good accommodations.

It never occurred to me that anybody in any Northern State would take exception to a provision of that kind upon the theory that it was in the nature of a sanction of the provision of separate coaches for white and colored men. But when they took that view of the subject, I was at a loss to know, just as other Senators were, exactly what should be done about it, but I recognized the right of colored people to settle the matter, and therefore I referred the whole matter to the conference committee and they have acted in the way indicated; they have dropped it out.

Now, before it is passed by forever I want to put into the RECORD some of the correspondence I had occasion to have on account of the offering of that amendment. I produce this because it shows what my purpose was, and it also shows the nature of the objections of those to whom I have referred.

It will appear, Mr. President, that I offered that amendment in response to scores and hundreds of letters I was receiving from colored men living in different parts of the South, which stated that the separate coaches set apart for them were so inferior in quality and in accommodations that they had nothing like equal treatment. They stated that they were required to pay the same fare, but were required to put up with unequal accommodations, so unequal that they thought they were suffering a grievous wrong. My idea was that by an amendment of that kind put into the bill the Interstate Commerce Commission would be given especial authority with respect to that matter on which it could stand to enforce equality of treatment, and that if equality of treatment should be denied redress could be sought, not alone in the courts of the State, but also in the courts of the United States.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I do not, of course, pretend to speak as to the other Southern States, but I do know that the State of Texas practices no such discrimination as that; and I do know that in almost every case one coach has a partition run through it and negro passengers occupy one part of the coach and the white passengers occupy the other part of it. It is not true of our State that the carriers provide inferior accommodations for negro passengers.

Mr. FORAKER. I am glad to have that statement from the Senator from Texas, for I know he would not make it unless he believed it to be true. I am not vouching for any of the statements that were written to me. I am only stating the reason upon which I acted.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield further to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I want to say to the Senator from Ohio that he will recall that I was ready to agree to that provision in his amendment.

Mr. FORAKER. Yes.

Mr. BAILEY. I believe that the races ought to be separated, but I also believe that the negro race ought to be provided with accommodations for which they are required to pay.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. BACON. I wish to direct the attention of the Senator from Ohio to the fact that while I objected to his amendment in the original form, when he offered the amendment which was ingrafted upon the bill by the Senate—the amendment to the amendment offered by the Senator from Missouri—I stated the fact that, so far as I was prepared then to judge, that phraseology was satisfactory, recognizing, as I did, that while the local communities ought to be left free to judge for themselves as to the separation of races, where parties paid the same rate of fare they were entitled to equally as good accommodations.

I wish to add in this connection, Mr. President, it is true in Georgia that the cars furnished for the negroes are exactly of the same type of cars which are furnished for the whites. There are some rare exceptions possibly on some few little local trains, but as to the general practice they are exactly of the same type, one immediately adjoining the other.

I wish to add, further, that in the State of Georgia there is absolutely no dissatisfaction by the negro race on account of the accommodations which are furnished to them by the railroads. They are perfectly content with them. They have every reason to be content with them; and any suggestion to the contrary emanates solely from those who desire to make mischief.

Mr. FORAKER. Mr. President, I know nothing about what the facts are. I know I received a great many letters from the South indicating the contrary, and quite a number of them came from the State of Georgia. There may have been no truth in them. I am not discussing whether they were true or not. I am only discussing what I did when I was advised that unequal accommodations were furnished.

Among other letters which I received was one from a very intelligent colored man who is attending a law school in Boston. His home, however, I am advised, is in New Orleans. He is Mr. Charles P. Ford. In answer to him, I wrote a letter, which I ask to have read at the desk, and then, as a sample of the letters that I was receiving and have been receiving from many places in the South, I want to have read also, in so far as it has relation to that, a letter from Rev. H. H. Key, of Nashville, Tenn. Let the Secretary first read my letter to Mr. Ford and then read the letter of Mr. Key.

Mr. TILLMAN. Will the Senator consent just to have them printed? We can read them in the RECORD.

Mr. FORAKER. Very well; they may be printed.

The VICE-PRESIDENT. Without objection, it is so ordered. The letters referred to are as follows:

WASHINGTON, D. C., May 15, 1906.

CHARLES P. FORD, Esq.,
Boston University Law School, Boston, Mass.:

DEAR SIR: I write to acknowledge the receipt of your letter of May 13, and to assure you of my proper appreciation for all its kind expressions. I infer from the way you write that you are familiar with all that the RECORD discloses as to the amendment offered by me May 7, which was, on the vote taken that day, defeated, but which was two or three days later offered by Senator WARNER, of Missouri, and, with an amendment I proposed, then adopted substantially in the form in which it was originally presented.

The subject is too important and difficult to be discussed in the compass of a letter, especially when I am compelled, as I am now, to write most hurriedly.

I was undertaking to deal with a condition rather than a theory. The condition presents the fact that in almost every Southern State the legislatures have, by law, not only authorized, but required, separate coaches, and the Supreme Court of the United States has held that these statutes, so far as interstate passengers are concerned, are constitutional. As to interstate passengers there never has been any legislation and, of course, no judicial determination as to the limitations of the powers of Congress or as to the rights of the States to interfere with any regulations the Congress may prescribe.

It occurred to me that inasmuch as the Government was now for the first time assuming to regulate the rates that are to be paid for the transportation of freight and passengers we should explicitly provide that there should be equality of treatment for equality of pay, in order

that the Commission might have an affirmative provision of law on which to base an enforcement of equal service and accommodations.

I offered this amendment because I had some letters from colored men throughout the South, as well as from a few colored men in the North, informing me that in the States where separate coaches were provided the coaches provided for the negroes are always inferior, and in most cases grossly inferior in quality, in some cases being of such inferior quality and kept in such bad condition as to be almost unfit for the transportation of passengers. I do not know what the facts are, but assuming these complaints are well founded, I thought there was a duty resting upon Congress to provide against such mistreatment, at least to the extent of requiring equally good service and accommodations, which is all any colored man writing me from the South has ever demanded, for they all seem to regard the provisions made by the State legislatures for separate coaches as not only likely to be continued indefinitely, but as something they have made up their minds to accept.

However all this may be, it is common knowledge that the conditions in this respect obtaining in the Southern States could not be disturbed short of a resort to radical legislation, which would be impossible in connection with the rate bill, and which, if perchance it might in some way be adopted as a part of the rate bill, would probably defeat it. From considerations of this character I sought to avoid raising the "Jim Crow" car question beyond putting into the bill a requirement that where such practice obtains the so-called "Jim Crow" car shall be as good and its accommodations as good as others receive. The purpose of this was not alone to secure equality of treatment in and of itself, but to give the United States authority through the Commission to enforce equality of treatment and to give the courts of the United States jurisdiction to entertain complaints of discriminations in that respect. I think the amendment all that could be expected under the circumstances. The vote by which my amendment as originally offered was defeated shows that conclusively. We must either, therefore, accept the Warner amendment, which has been adopted, or do nothing. I am unable to see how the amendment can work the slightest injury. It seems to me that on the contrary it secures great good. I am sure I do not wish to make matters worse.

A day or two ago I had a letter from Mr. Clement G. Morgan, an attorney at law, 39 Court street, Boston, whom you probably know. I never met him, but from what I have been told of him I have great respect for his judgment. I would be glad if you would confer with him and write me again, for the subject is one you and he are more directly interested in than I am and which you understand better than I do. The bill is likely to be voted upon before you have time to write me, but it will doubtless be some time in the conference committee, so that if you write me again I can have the benefit of your views before it is too late.

Very truly, yours, etc.,

J. B. FORAKER.

P. S.—In considering this matter you will bear in mind that the law of Congress will, of course, be supreme, and that no State law or authority can conflict with it as to interstate passengers. F.

Letter of Mr. Key.

53 MAPLE STREET,
Nashville, Tenn., May 15, 1906.

HON. MR. FORAKER,
United States Senator from Ohio.

DEAR SIR: Please accept our congratulations upon your position in discussing the rate bill and antifare-pass bill. Especially do we endorse your stand taken in regard to that part of the bill relative to equal accommodations.

We are sorry you did not get the support of other so-called "Republicans." They seem to want to drive us from the party of our choice by their actions. We are sorry that the ideas of Senators TILLMAN and BACON seem to be the leading ideas of the majority. Senator TILLMAN impressed the majority that the accommodations here in the South are equally good for both races. The Senator has either not made himself familiar with the existing facts here in this Southland or he means to be misleading in his statements. The accommodations are not equal. The colored people are forced to pay the same fare and ride in a car infested with chickens, dogs, and convicts. Our women are often compelled to submit to the abuses incident to treatment brought about by discriminations. They are forced to ride with drunkards and hoodlums. We readily accept Senator TILLMAN's proposition to invite the Commission down here for a tour of inspection to verify the truth of our assertion. I myself had to resent an insult resulting from discrimination. On one occasion I rode a hundred miles in a baggage car rather than accept the humiliation of being with a mixed gang of white and colored convicts guarded by armed white officers. I would not be forced by the conductor to ride in such company. *

H. H. KEY,
Presiding Elder of the Cumberland River District of the
Methodist Episcopal Church of the Penn. Annual Conference.

P. S.—I trust you may see a way to secure protection in all lines of travel, including Pullman.

Mr. FORAKER. Now, of the same general character is the following letter from Madison, Ark., dated May 30, 1906, signed by a number of Afro-Americans, as they represent themselves to me, and I have no doubt they are.

The letter referred to is as follows:

MADISON, ARK., May 30, 1906.

HON. SENATOR FORAKER: We, the undersigned in name and number, petition you to, if possible, retain the amendment now before the railroad rate bill conference relative to equal accommodation to passengers on all railroads paying the same fare, which was introduced by you. We note that the negroes from the North and East are presenting their voices against it. While we are in the majority in the South, we are in favor of separate coaches with equal accommodation to all passengers paying the same fare.

SCOTT BOND, Merchant.
I. L. WALTON.
H. S. DAVIS, Postmaster.
P. COVINGTON, Farmer.
P. H. BANKS, Farmer.
W. M. BOND, Farmer.

Omitting names, the above is the voice of 2,000 citizens of business reputation. For God's sake try to get us the accommodations for which we pay.

Mr. BACON. If the Senator will pardon me, I want to suggest a fact. The law in Georgia (and I presume it is so in other Southern States) does not permit a white man to ride in the car set apart for the negroes, no more than it permits a negro to ride in a car with the whites. The only distinction is that the white man is perfectly content to be debarred from the car in which the colored people ride, whereas a great many negroes are not content unless they are permitted to ride in the cars set apart for the white.

Mr. FORAKER. I will say to the Senator, if he has any apprehension on that point, I have not received any letters from white people living in Georgia protesting against being compelled to ride in "Jim Crow" cars.

Mr. BACON. If the Senator knew the people of Georgia as well as I do, that assurance would not be needed.

Mr. FORAKER. I am sure of that. So far as the colored man is concerned, I am not going to take up now the subject of his rights for discussion. I only want to say that when I offered this amendment I did it in answer to just such appeals as I have sent to the desk, which will appear in the RECORD tomorrow morning for the benefit of any who may see fit to read; appeals which came to us, and have come from intelligent men and reputable men, against whom nothing can be said except only that they are black men; and that I am not going to urge as an objection against any man. They say that the cars furnished them, for which they must pay precisely the same fare as white men pay for the service rendered to them and the accommodations they get, are so unequal that it is almost an impossibility to ride in them with any comfort whatever.

Now, what I thought was, if they were receiving equally good accommodations, this amendment would not hurt anybody. If they are not equally good, the amendment ought to be put into the law, and ought to be enforced, for the black man who pays \$10 to ride from one point to another ought to have just as good service and just as good accommodation as the white man has who pays the same price. The Senator from South Carolina was one of the first to say he heartily approved the amendment, and I really think he is the author of all the trouble, for as soon as the Senator from South Carolina made that announcement I commenced getting letters of objection from every direction. [Laughter.]

Mr. TILLMAN. Well, Mr. President, if my honest adoption and earnest advocacy of the Senator's proposed amendment has resulted in causing northern politicians who are colored people to deluge the Senator and others with protests, I am very sorry, because I heartily sympathize with that proposed legislation. I said so when it was first introduced, and I am in favor of it yet. I yielded that amendment the very last one in the conference committee, and I should like to see it go back. I hope the Senate will instruct us before we get through to put it back.

While I am on my feet, if the Senator will permit me, I want to tell a little incident in regard to the discrimination against the colored people and white people in keeping them apart in South Carolina. No doubt some of these complaints come from South Carolina.

Four or five years ago, when the law was first enacted—I think it was the succeeding winter—I went to Columbia to our State fair. I mean the law separating the races by compelling the railroads to give separate coaches. I went to the fair, and realizing that there was a great crowd there and that the train at night, the excursion train, would be very much crowded, I decided that I would go home on the noon train, about 1 o'clock. So I got my grip and went to the depot, and, although it was an hour or more before the train was to go out, I already found every seat occupied in the white cars and a throng in the passageway. There were several of those cars. So, not liking to stand up for the distance of 60 miles, I began to perambulate along from one car to another. Finally I got to a perfectly empty coach with no one in it except two darkies. Well, I quietly and very modestly ensconced myself in one of the seats. It was just as good as any of the cars I had passed through, but it was marked "colored," and under the law was set apart for colored people.

I had no right there, but I thought, "If I behave myself my colored fellow-citizens will not object." After a while, toward the time the train would leave, several colored gentlemen came in, among them a very bright, copper-colored fellow-citizen of mine, who evidently had been to college, because a little later on, after sitting down opposite me and smilingly entering into conversation, he said: "I know you, sir. I went to Benedict College while you were governor, and I know you." I said, "Well, I hope you never heard anything very bad about me." He said: "No; we colored people like you. Some of us, though, make a terrible racket about some things you have said. Your bark is worse than your bite."

Finally he said, with a gleam of humor, which simply convulsed me afterwards, although I did not relish it right off, "Governor, don't you think that the white folks ought to obey the laws they put on the books?" I did not need any more hint, I quietly reached down, got my grip, and said, "You are all right. I surely believe in obeying that law, because we would not let you ride either in the cars for the whites; and if you object to my riding here I will go back;" and I walked back and stood up.

Mr. FORAKER. Mr. President, I do not, in view of the lateness of the hour, care to prolong the discussion of that subject. I only want to quit it, as I began, by saying that I offered the amendment upon the theory that I was securing a benefit to 8,000,000 of colored people living in the Southern States from whom I was receiving many letters of the character I have described and of the character that will appear in the RECORD in the morning. But since colored men who understand the subject object to it upon the ground that has been suggested, I propose to leave it to the conferees to dispose of it as they may see fit.

Now, I have two or three other matters I wish to call attention to.

On pages 16 and 19 the words "knowingly and willfully" are stricken out by the conferees. I am not going to stop to discuss the effect of this; I only want to call the Senator's attention to the fact that in my opinion it establishes a harsh, an inexcusably harsh, rule to make a man liable to indictment and punishment as for a criminal offense without showing any knowledge or any purpose on his part. I believe that the feeling I have expressed in a word in regard to that is entertained generally by the members of this body, for I have no idea that the feeling has changed since we voted those words into that amendment.

Now, what I want to add—and with that I am content—is what I have cut out of the New York Sun of June 1. It is an account, given in the form of a dispatch from Milwaukee, dated May 31, of a decision of the four circuit judges of that circuit in the rebate cases, in which the Pabst Brewing Company was a party, that were commenced, I think, after this session of Congress began. I want to call attention to what is here set forth in this telegram to show what, in the progress of this debate, I had occasion to assert over and over again, that what we need in the way of legislation to remedy all the evils that have been complained of is not the character of legislation we now have under consideration, but a mere strengthening of the Elkins law.

Now, what does this disclose? I want to read it. I will not put it into the RECORD, where it may be passed over without reading by anybody.

It is as follows:

[From New York Sun, June 1, 1906.]

FORCE ADDED TO ELKINS LAW—APPLIES TO FREIGHT BROKERS AND PRIVATE CAR LINES—GOVERNMENT WINS ITS SUIT AGAINST REFRIGERATOR TRANSIT COMPANY AND RAILROADS THAT THROUGH IT HANDLED PRODUCTS OF THE PABST BREWING COMPANY, OF MILWAUKEE.

MILWAUKEE, May 31, 1906.

The rebate suit which the Government last year began against the Pabst Brewing Company, of Milwaukee, the Refrigerator Transit Company, and several railroad companies has been decided in favor of the Government.

The decision was rendered by the four circuit judges of the seventh judicial circuit, who sat en banc, at the circuit court of the eastern Wisconsin district, and was sent up from Chicago this afternoon and filed with Clerk of Courts Kertz here.

The action against the Pabst Brewing Company is dismissed, but the Refrigerator Car Company and the railroads are enjoined from continuing the practice of receiving and giving commissions for traffic controlled and transported by the car company.

The opinion was written by Judge Baker, and was approved by Judges Grosscup, Seaman, and Kohlsaat, the other members of the court.

It is considered by lawyers to be a sweeping decision and one which upholds the provisions of the Elkins Act in all its intents and purposes. It is not probable that the case will go to the United States Supreme Court, and therefore the ruling will have a radical effect on the shipping of the country.

Briefly stated, the court sustained practically all the contentions of the Government in the case. The court holds that the Elkins law is sound and enforceable.

I want Senators to remember that this litigation was commenced after we had commenced, as I now recall it, this session of Congress; it was commenced after the Hepburn bill was introduced in the House of Representatives, and it is ended before we have been able to end the consideration of that measure. So much for the expedition of the courts when they proceed under the Elkins law.

The ruling puts an end—

Now listen to what it puts an end to—

The ruling puts an end to all devices for giving and collecting rebates. The relation of the shipper and the railroads is defined in very clear language.

It holds that where a person or a company gives control of his or its shipments to another, such as a refrigerator company or a freight broker, the person or company to whom it is assigned must be deemed to be the owner and shipper of the freight and can not accept commissions or rebates from railroads. This is considered a highly important ruling, as it puts an end to the very latest devices found and practised for getting around the Elkins Act.

But the decision goes still further and holds that railroads must strictly observe their published tariffs and can not grant concessions to transportation companies or brokers whereby they receive less rate than that named in the published tariff. This means that hereafter transportation companies will not be able to collect commissions for business diverted to certain railroads, but must conduct their business on a strictly mileage basis.

It is estimated that a score or more refrigerator and stock car companies in the country are affected.

The ruling also puts out of business the so-called "freight broker," the latest device for rebating. The brokers collect freight and for commissions turn it over to certain railroads.

The railroad companies that were defendants in the action are the Pere Marquette, the Erie, the Chicago, Rock Island and Pacific, the St. Louis and San Francisco, the Wisconsin Central, and the Chicago and Alton.

Mr. BAILEY. Does the Senator from Ohio happen to have the full text of that decision?

Mr. FORAKER. No; I do not. I have been unable thus far to get it; but I hope to get it and put it into the RECORD in full before this debate is concluded. I will put it into the RECORD at the earliest possible day.

Now, I want to call the attention of Senators to another fact. No doubt every Senator here has been reading the result of the investigation made by the Interstate Commerce Commission of the practices of the Pennsylvania Railroad Company; no doubt every Senator here is familiar with the malpractices, I will say, for the want of a better word, which that company has been engaging in; but has any Senator here failed to note the fact that not a single offense committed by the Pennsylvania Railroad has been committed by it, according to that disclosure, that is not covered by the Elkins law; not one that can not be remedied almost immediately, just as the evils involved in this Milwaukee suit were remedied by the filing of a bill and the taking of a temporary restraining order upon the filing of the bill, which, upon final hearing, will be made perpetual, just as in the case of the Chesapeake and Ohio and the New York, New Haven and Hartford Railroad coal case? There suit was brought, an injunction was allowed, and the evil stopped that very moment. When the case was finally heard that injunction was made perpetual. So it was in the Milwaukee case, commenced only a few months ago, since we commenced this session, and now finally ended. In this case a suit was brought, and in it was involved the question of the illegality of the latest devices and abuses—for granting rebates, for making personal discriminations, terminal charges, icing charges, refrigerator charges, private car lines, and everything that we have heard anything about during the whole progress of this debate was involved in that one case that had not already been covered in these other cases to which I have referred.

Mr. President, if it be true, as it unquestionably must be conceded to be true, that there is a complete remedy under that law—for the court has so held, and that is the reason I say it must be so conceded—that upon the complaint that there is an unequal, an unjust, or a discriminatory allotment of cars, if it be true that as to that complaint this law can be applied and found sufficient to prevent it, and if it be true that under that law no form or guise whatever of rebates or discriminations can be practiced, there is no more necessity for this kind of legislation than there is for putting five wheels on a wagon.

Mr. President, one word more. I do not make these remarks, of course, with the idea of preventing the passage of this bill. That is an impossibility; but I make these remarks only that I may put before the Senate the state of the law which we have and the degree of success we are now having in all cases where an enforcement of that law is undertaken by the Department of Justice. In no case where that law has been invoked, from the day when it was passed down until this moment, has it failed to meet the purposes of the prosecution, except only in one case at Philadelphia, where there was a failure of testimony to support the complaint.

Mr. GALLINGER. Mr. President, a single word. I know how anxious the conferees on this bill are to have it go back to conference, and I promise to delay it but a moment.

When this bill was under consideration the Senator from West Virginia [Mr. ELKINS] moved to increase the salary of the secretary to the Interstate Commerce Commission from \$3,500 to \$6,000. I moved to lay the amendment on the table, and by an almost unanimous viva voce vote it was tabled. I was surprised, in looking at the report of the committee of conference, to find, Mr. President, that not only had the conferees increased that salary, but that a new office had been created by them—that of assistant secretary. It is very mani-

fest that the conferees did exceed their authority in that matter.

But, Mr. President, I want to say a word personal in reference to this question. I think this is the first time in my fifteen years of service that I have ever obtruded a personal observation on the Senate, but circumstances warrant it in this instance.

When the railroad rate bill was under consideration—I am not quite sure whether it was before I made the motion to table the amendment or not—I was waited upon by an outside party, who made a very earnest appeal to me in behalf of the secretary of this Commission. I said to him that I thought the salary he was receiving was adequate, inasmuch as it was the same salary the Civil Service Commissioners, and a great many other high officers of the Government, were receiving, and I added to that a criticism upon the secretary of the Commission to the effect that I thought he would be better occupied in giving his entire attention to the duties of his office, rather than to be promoting certain legislation. I did not state what the legislation was, but suggested that it was legislation that I thought objectionable, and I will now say that it was legislation not in anywise connected with the railroad question. Thereupon a Senator called my attention the next day to a letter from the secretary of this Commission, in which he stated that I had charged him with being an anarchist, etc. I said to the Senator, "That is not true; I never made any such accusation as that."

But now, Mr. President, while I may in a sense be violating confidence, I will say that I have in my hand a telegram and a letter that that gentleman sent to a high official of a railroad asking him to intervene to set me right on this question. Mr. Moseley probably did not know that I owe allegiance to no railroad or railroad official in the world; that I am under no obligations to any official of any railroad in the United States; and hence he made a mistake in assuming, as he evidently did, that I could be straightened out in this matter and that I would agree to an increase of his salary in one way or another. It is proper that I should say that the official to whom he wrote did not undertake to carry out his wishes. In his letter and telegram he repeated the foolish statement that I had charged him with being an anarchist and an enemy to sound legislation. Now, Mr. President, so far as I am concerned that is of no particular consequence, but I thought I would take this occasion to say to that gentleman that he ought to have come to me in person and discussed the matter in a manly way rather than to have paraded it over the country as he has done.

If the Congress of the United States thinks the secretary of the Interstate Commerce Commission ought to have a five or six thousand dollar salary—the first proposition was to give him a thousand dollars more than Senators and Members of the House of Representatives are receiving and the present proposition is to give him a salary equal in amount to that of a Senator—I say, if the Congress of the United States thinks that that officer ought to have an increase of salary and that the Commission ought to have an assistant secretary at \$1,000 a year, that can be regulated by a joint resolution after this matter has been properly disposed of by the conference committee. But however that may be, when the bill goes back to conference I shall expect that the provision relating to the secretary of this Commission and the creation of a new official in the person of an assistant secretary may not reappear when the report is again presented to the two Houses of Congress. If it does, I shall have something further to say on the subject.

Mr. SPOONER. Does the Senator from South Carolina expect to get a vote on the conference report to-night?

Mr. TILLMAN. Of course, I can not undertake to do more than to express the hope that I will. It is now twenty minutes after 5. The day has been long, it is hot, and, of course, we are all tired. I can not see what good it is going to do for Senators to talk, because the matters which I mentioned this morning, which are subject to the point of order, and in inserting which the conferees have exceeded their authority, and knew it when they did it, and authorized me to come in here and say so, will all go out; but the things that we thought we had a right to put in, I presume will have to be put out by a vote of the Senate. Therefore, all this lecturing and advice might as well be saved until the vote comes. I am speaking for myself alone, of course, because the other Senate conferees will outvote me and the House conferees will control. We have got to compromise these matters, and I can only do the best that is in my power. That is all. I should like to get a vote this evening, however.

Mr. SPOONER. I asked the question of the Senator because I happen to know of several Senators who desire, I think each

one very briefly, to address the Senate upon some phase of this report. I think it is utterly impossible that it can be concluded to-day.

Mr. TILLMAN. Senators will not talk so long this evening when they are tired as they will to-morrow morning when they are fresh.

Mr. SPOONER. I think a number of Senators would like to send the Senator from South Carolina and his associates back to conference on the motion that the Senate entirely disapproves—

Mr. TILLMAN. But how can the Senate disapprove, if half a dozen Senators make speeches like those we have heard?

Mr. LODGE. We can take the vote later.

Mr. TILLMAN. We will take the vote later, if the Senate so desires.

Mr. SPOONER. The Senator and his associates will, perhaps, bring back a disagreement as to one item, at least, in this bill rather than—

Mr. TILLMAN. I am perfectly willing, and will be anxious, and was anxious to do it, in order to bring back a disagreement on the amendment offered by the Senator from Missouri [Mr. WARNER], which is known as the "Jim Crow" car amendment. I am very anxious to bring in a disagreement on that.

Mr. SPOONER. The "Jim Crow" car amendment, I think, ought not to have been omitted from the bill; but I think the conference report, as to passes to employees of railroad companies, is very much worse.

Mr. TILLMAN. I have no doubt in my own mind that after the expressions of disapproval in the shape of the avalanche of telegrams that have come to Members of the House and of the Senate, we certainly will be able to agree on a modification of that to the extent of not prohibiting railroads from carrying their own employees and their families. I never was in favor of such a prohibition, but I got all I could.

Mr. LODGE. Will the Senator from Wisconsin allow me a moment—

Mr. SPOONER. Yes.

Mr. LODGE. To express the hope that the Senator from South Carolina will allow us to adjourn now. I do not think by keeping us here a half an hour longer he will gain anything. There are a number of Senators who intend to speak, and if we should proceed to-night there would only be a repetition in the morning—

Mr. TILLMAN. If it is the desire of the Senate to adjourn, it can always do so without my will. I can not keep the Senate here if Senators want to leave. I am perfectly willing that the Senate shall adjourn, and I shall not protest.

Mr. SPOONER. I want to suggest to the Senator from South Carolina who, I think, has a right to make whatever motion is made, as he is in charge of this measure, that he move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. I always try to accommodate the Senator. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 6, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 5, 1906.

COLLECTOR OF CUSTOMS.

Charles A. Barbour, of Rhode Island, to be collector of customs for the district of Bristol and Warren, in the State of Rhode Island, in place of Stephen W. Church, deceased.

PLACED ON RETIRED LIST OF ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. Sedgwick Pratt, Artillery Corps, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

APPOINTMENTS IN THE ARMY.

General officers.

Col. John McClellan, Artillery Corps, to be brigadier-general from June 1, 1906, vice Buchanan, retired from active service.

Col. Stephen P. Jocelyn, Fourteenth Infantry, to be brigadier-general, vice McClellan, to be retired from active service.

PROMOTION IN THE ARMY.

Corps of Engineers.

Second Lieut. Henry H. Robert, Corps of Engineers, to be first lieutenant from June 1, 1906, vice Williams, deceased.

PROMOTIONS IN THE NAVY.

Capt. John J. Hunker to be rear-admiral in the Navy from the 6th day of June, 1906 (subject to the examinations required by law), vice Rear-Admiral Purnell F. Harrington, to be retired.

Commander John A. H. Nickels to be a captain in the Navy from the 28th day of June, 1905, vice Capt. Andrew Dunlap, retired.

APPOINTMENTS IN THE NAVY.

I nominate the following-named citizens to be assistant surgeons in the Navy, from the 1st day of June, 1906, to fill vacancies existing in that grade on that date:

Heber Butts, a citizen of Missouri;

Philip E. Garrison, a citizen of New Jersey; and

Thomas W. Raisón, a citizen of Kentucky.

REGISTER OF LAND OFFICE.

John Thomas, of Prairie View, Kans., to be register of the land office at Colby, Kans., vice Albert H. Blair, whose term will expire June 30, 1906.

POSTMASTERS.

FLORIDA.

W. L. Van Duzor to be postmaster at Kissimmee, in the county of Osceola and State of Florida, in place of James A. Simpson. Incumbent's commission expired June 4, 1906.

William R. O'Neal to be postmaster at Orlando, in the county of Orange and State of Florida, in place of William R. O'Neal. Incumbent's commission expired May 9, 1906.

Oliver S. Oakes to be postmaster at Fernandina, in the county of Nassau and State of Florida, in place of Charles W. Lewis, resigned.

IOWA.

Thomas L. Green to be postmaster at West Union, in the county of Fayette and State of Iowa, in place of Thomas L. Green. Incumbent's commission expired May 27, 1906.

Frank M. Hoeye to be postmaster at Perry, in the county of Dallas and State of Iowa, in place of Frank M. Hoeye. Incumbent's commission expires June 27, 1906.

KANSAS.

Herbert J. Cornwell to be postmaster at St. John, in the county of Stafford and State of Kansas, in place of Herbert J. Cornwell. Incumbent's commission expires June 24, 1906.

Jesse D. Kennard to be postmaster at Seneca, in the county of Nemaha and State of Kansas, in place of Jesse D. Kennard. Incumbent's commission expires June 25, 1906.

William H. Nelson to be postmaster at Smith Center, in the county of Smith and State of Kansas, in place of William H. Nelson. Incumbent's commission expired January 16, 1906.

MICHIGAN.

Edward L. Bates to be postmaster at Pentwater, in the county of Oceana and State of Michigan, in place of Edward L. Bates. Incumbent's commission expires June 6, 1906.

E. A. Smith to be postmaster at Wayne, in the county of Wayne and State of Michigan, in place of Henry Loss. Incumbent's commission expired March 5, 1906.

MISSOURI.

Melvin C. James to be postmaster at Higginsville, in the county of Lafayette and State of Missouri, in place of Samuel J. Kleinschmidt. Incumbent's commission expired April 10, 1906.

NEBRASKA.

Edward N. Allen to be postmaster at Arapahoe, in the county of Furnas and State of Nebraska, in place of Edward N. Allen. Incumbent's commission expires June 19, 1906.

Thomas W. Cole to be postmaster at Nelson, in the county of Nuckolls and State of Nebraska, in place of Thomas W. Cole. Incumbent's commission expires June 30, 1906.

OHIO.

James H. Fluhart to be postmaster at Continental, in the county of Putnam and State of Ohio, in place of James H. Fluhart. Incumbent's commission expires June 30, 1906.

Charles W. Searls to be postmaster at Madison, in the county of Lake and State of Ohio, in place of Charles W. Searls. Incumbent's commission expired April 2, 1906.

PENNSYLVANIA.

John A. Wallace to be postmaster at Chester, in the county of Delaware and State of Pennsylvania, in place of John A. Wallace. Incumbent's commission expired May 15, 1906.

WISCONSIN.

John T. Harris to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin, in place of Thomas S. Chittenden. Incumbent's commission expired May 19, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 5, 1906.

COLLECTOR OF CUSTOMS.

John W. Vann, of Texas, to be collector of customs for the district of Brazos de Santiago, in the State of Texas.

PROMOTIONS IN THE NAVY.

Commander James H. Bull to be a captain in the Navy, from the 26th day of May, 1906.

Lieut. Commander Frederick C. Bieg to be a commander in the Navy, from the 26th day of May, 1906.

POSTMASTERS.

KANSAS.

William C. Markham to be postmaster at Baldwin, in the county of Douglas and State of Kansas.

NEW JERSEY.

William O. Armbruster to be postmaster at Weehawken, in the county of Hudson and State of New Jersey.

Charles Eichhorn to be postmaster at West Hoboken, in the county of Hudson and State of New Jersey.

Edward W. Martin to be postmaster at Hoboken, in the county of Hudson and State of New Jersey.

VIRGINIA.

Archibald M. McClintic to be postmaster at Fincastle, in the county of Botetourt and State of Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 5, 1906.

The House met at 12 o'clock noon.

Prayer by Rev. CHARLES C. PIERCE, D. D., chaplain, Artillery Corps, United States Army.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. I move the approval of the Journal.

The motion was agreed to.

CERTAIN FOREIGN CLAIMS.

Mr. WALDO. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19606) to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States.

The bill was read, as follows:

Be it enacted, etc., That the following amounts be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the following claims against the United States, hereinafter stated, the same being in full for and the receipt of the same to be taken and accepted in each case as full and final release of the respective claims, namely:

First. To pay the Canadian Electric Light Company, for damages to its cable by the U. S. gunboat Essex, by fouling her anchor with the company's cable, between Levis and the city of Quebec, July 17, 1904, the sum of \$7,307.30.

Second. To pay the Great Northwestern Telegraph Company of Canada, for damages to their telegraph cable by the U. S. gunboat Essex, between the city of Quebec and Levis, by fouling her anchor with the company's cable, July 17, 1904, the sum of \$939.58.

Third. To pay Messrs. Sive-Wright, Bacon & Co., of Manchester, England, for damages to their vessel, the British steamship Eastry, by collision, 1901, at Manila, with certain coal hulks of the United States, the sum of \$4,313.50.

Fourth. To pay William Radcliffe, British subject, for damages caused by destruction of his fish hatchery and property in Delta, Colo., by a mob in 1901, the sum of \$25,000.

Fifth. To pay to the Empire of Germany, in full settlement of the obligation of the United States Government to Germany under the convention between the United States, Germany, and Great Britain for the settlement of Samoan claims, signed at Washington, November 7, 1899, the sum of \$20,000.

Sixth. To pay the British owners of the British steamship Lindisfarne, for demurrage to that vessel while undergoing repairs necessitated through collision with the U. S. army transport Crook in New York Harbor, May 23, 1900, the sum of \$158.11.

The SPEAKER. Is a second demanded?

Mr. BARTLETT. Mr. Speaker, I will demand a second for the purpose of finding out about the bill.

The SPEAKER. Is there objection to considering a second as ordered?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. WALDO] is entitled to twenty minutes, and the gentleman from Georgia [Mr. BARTLETT] is entitled to twenty minutes.

Mr. WALDO. Mr. Speaker, this is a bill to pay certain claims of foreign citizens, which claims have been presented to our Department of State by the foreign ambassadors, and payment of which is recommended by the Secretary of State.

Mr. BARTLETT. If the gentleman will allow an interruption, I should like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. As I understand, Mr. Speaker, this is suspension day, continued from yesterday. The rules of the

House set apart certain special days—Fridays—for the consideration of claims. This appears to be a bill reported from the Committee on Claims, and I want to make a point of order. By what authority or right, under the rules of the House, is a bill called up for passage under suspension of the rules, which bill contains a claim or any number of claims, when bills of this character have by the rules of the House been assigned for consideration to a particular day, or certain named days, of each month?

The SPEAKER. The Chair will answer the gentleman. This is a motion to suspend all rules and pass the bill. The gentleman is correct as to the rule. It has not been the practice of the present occupant of the chair to submit bills upon the Private Calendar for passage on suspension day, but this is a bill upon the Union Calendar, which is alleged to cover several claims between the United States and foreign peoples.

Mr. BARTLETT. An omnibus claims bill.

The SPEAKER. One claim in favor of the Empire of Germany, growing out of relations in Samoa. It seems to the Chair, without expressing any opinion as to the merits of the various propositions, after reading the report and the letter from the Secretary of State, that this is a bill properly on the Union Calendar, and not on the Private Calendar, of a class that the House ought to be able to consider under a motion to suspend the rules.

Mr. WALDO. Mr. Speaker, some of these claims were put on the urgent deficiency bill by the Senate, but stricken from that bill by the House conferees on the ground that they were claims, referred to the Committee on Appropriations of the House, and afterwards referred to our committee. There is also included in this bill a claim of \$20,000, which we have agreed to pay to the German Government. There was a subvention, or treaty, between the German Government, the English Government, and our Government with regard to certain claims of German citizens. The total amount of these claims, if I recollect, was about \$115,000. It was finally agreed by the agents of the different Governments that all these claims should be settled for \$40,000, which amount the German Government agreed to accept. Great Britain was to pay \$20,000, and we were to pay \$20,000. Great Britain has already paid her \$20,000, and we certainly ought to pay ours.

The other claims are claims of citizens of foreign governments, which have been submitted by the foreign ambassadors to our State Department, passed upon, and approved, and originally sent to the Committee on Appropriations, and then referred to the Committee on Claims for examination and the introduction of a bill.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. WALDO. Certainly.

Mr. CRUMPACKER. I notice in the reading of the bill that there was one claim for property destroyed by a mob in one of the Western States.

Mr. WALDO. In Colorado—that is correct.

Mr. CRUMPACKER. Is it customary for this Government to pay damages to aliens for property destroyed in that manner?

Mr. WALDO. I understand it has been done a number of times.

Mr. CRUMPACKER. We have no authority to pay damages to our own citizens under circumstances of that kind, have we?

Mr. WALDO. We certainly can if we see fit.

Mr. CRUMPACKER. Does the gentleman know of any instance in the history of this Government where such payment has been made to a citizen of the United States?

Mr. WALDO. I think there are cases of that kind.

Mr. CRUMPACKER. The reason I asked the question was to emphasize the fact of our responsibility for the safety of persons and property of aliens who are here under the protection of treaties with foreign countries, and the importance of passing some kind of national legislation to protect those people. If we are to be responsible for them, we ought to have special laws that will afford them and their property protection.

Mr. WALDO. There can be no question but that we ought to pay the damages due to a foreign citizen, and unless some further explanation is required I will ask for the passage of the bill.

Mr. PERKINS. Is this bill unanimously reported by the Committee on Claims?

Mr. WALDO. It was unanimously reported by the Committee on Claims.

Mr. BARTLETT. Mr. Chairman, I demanded a second because it occurred to me that this was an unusual proceeding and contrary to any previous action of the House upon bills of this character that I have ever seen undertaken to be had upon suspension day during the eleven years of my service in the House.

Now, I admit, Mr. Speaker, under the fifth heading of this bill, which proposes to pay to the Empire of Germany, in full settlement of the obligation of the United States Government, under a convention between that Government and the other governments involved, some time in 1899, for the claims growing out of the Samoan disaster, that if that claim stood alone, it would be entitled to be considered as a public bill and to go upon the Union Calendar and be now considered under a suspension of the rules. I will admit, further, Mr. Speaker, that if that provision stood alone, it would be the duty of the Committee on Appropriations to provide, by necessary appropriation, to pay our obligation to the foreign government, because that obligation grows out of a convention or an agreement on the part of the United States to pay its proportion of the damages following that disaster; but I do insist and I do protest that it is not a proper practice in this House to link with the obligations that we owe to a foreign government other private and individual claims that we may owe to other people, be they foreigners or be they our own citizens. Therefore I do not believe this bill ought to pass in its present shape. I believe that the Committee on Appropriations ought to take the provision contained in this bill, on page 2, commencing in line 20, designated as the fifth provision of the bill, and provide for it either in a special urgent deficiency bill or in the general deficiency bill; but I do not believe it is good practice on the part of the House, nor do I believe it is safe and good legislation, to link with this the other propositions and to drag along with a meritorious proposition these others that we are not accustomed, under the rules, to consider except on private-claims days. I have no objection to the United States Government paying every dollar it owes to everyone, but I do not believe it to be correct that because some one who resides in Canada or who happens to be a foreigner has a claim against the United States Government that we should prefer them to all other claims of our own people in the matter of consideration by the House. Therefore I shall content myself with calling attention of the House to the character of the bill. It seems to be an omnibus bill for a certain character of claims. I do not believe we ought to pass it in this way. I believe that we ought to pass the provision in the bill to which I have called attention in the usual way, and let us be informed by a separate report upon each one how the United States Government comes to owe them. If we owe them, let us pay them.

That is all I have to say, Mr. Speaker.

Mr. WALDO. This is a bill that comes from the State Department for the payment of foreign claims. Many of the claims have lain in the State Department for some time. They have been repeatedly passed by this House, and they ought to pass now.

I differ greatly with the gentleman from Georgia. I believe that we ought first to pay what we owe to the foreign governments and to the citizens of foreign governments, when presented by the representatives of those governments and approved by the State Department.

Mr. BARTLETT. Does not the gentleman believe that we ought to pay claims of our own citizens?

Mr. WALDO. Yes; but I think that we ought to pay the bills that we owe to foreign countries first, even if it bankrupts us.

The question was taken; and two-thirds having voted in favor thereof, the bill was passed.

LEASING OF THE BATAN ISLAND MILITARY RESERVATION.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17293) to authorize the leasing of the Batan Island Military Reservation for coal-mining purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lease the coal-mining rights in the Batan Island Military Reservation to any company or corporation, organized under the laws of the United States, or any State thereof, or of the Philippine government, which, in his opinion, shall be deemed responsible for carrying out the provisions of said lease.

SEC. 2. That the term "mining rights" in the first section hereof shall be deemed to include the use of all land included in and all natural products of the said Batan Island Military Reservation which may be necessary for and consistent with the establishment and operation of a coal mine and coaling station, and shall also include the right to take and use water from the Cacararay Military Reservation.

SEC. 3. That the said lease shall be granted after due advertisement and public bidding for same, and shall run for a period not exceeding fifty years. Said lease shall be signed on behalf of the Government of the United States by the Secretary of War thereof, and on behalf of the company or corporation undertaking the establishment and operation of said coal mine by the chief officer thereof thereunto duly authorized by the stockholders and directors of the same, and shall contain among others the following provisions:

First. That all branches of the Government of the United States and of the Government of the Philippine Islands thereof shall be supplied with such coal as they may desire, laid on board ship at the harbor of

Batan Island, known as Coal Harbor, at a price not to exceed 10 per cent above cost price of said coal.

Second. That the necessary wharves for receiving vessels of up to 32 feet draft and for loading coal thereon shall be erected and maintained by the company or corporation operating the said mine.

Third. That the items included in the calculations of the cost of said coal shall consist of all items of expense for labor necessary for producing the coal and for handling and loading the same on board ship, for the proper care and handling of machinery connected therewith, for the proper care and management of the interior workings of a coal mine and all machinery connected with the safe and economical operation thereof, and for the proper upkeep of all exterior buildings, grounds, and machinery incident to the operation of a coal mine and coal-loading station; all items of expense for labor and material connected with the repairs of all machinery, rolling stock, buildings, and apparatus necessary for the safe and economical upkeep of the mine and its appurtenances and of the coal-loading apparatus and docks, but shall not include the cost of new work for the extension of the plant; all items of expense for supplies for the safe and economical extraction of coal, and the maintenance of the offices, buildings, and machinery maintained, erected, or in use on the aforesaid reservation; all items of general expense, such as taxes, insurance, and the reasonable depreciation on plant and property, and such others as may be also directly and solely connected with the management of the plant and offices installed on the reservation for the purpose of mining and loading coal, which shall include salaries for persons resident at the plant and necessary for the management and conduct thereof as above set forth.

Fourth. That all books and records of every nature of the company or corporation operating the said mine shall be subject to examination and inspection by any official or employee of the United States Government designated by the Secretary of War, and that any evasion of this provision shall, at the discretion of the Secretary of War, operate to render null and void any lease granted under the provisions of this act.

Mr. TAWNEY. Mr. Speaker, I demand a second.

Mr. COOPER of Wisconsin. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Speaker, the House will recollect that a few weeks ago we passed a bill which was subsequently enacted into law providing for the purchase of certain Spanish claims on the island of Batan in the Philippine Archipelago in order that the United States Government might acquire complete control of that island. These were old claims. They were so located as to bar access from the harbor to the coal strata in the island—that is, if the miner was to have anything like a fair opportunity to mine the coal.

We bought those claims, and now the United States Government has perfect, unclouded title to the island. It is about 10 by 5 miles in dimensions, and 450 miles by direct water route from Manila. The Government authorized Lieutenant Wigmore, of the Corps of Engineers, I think, four years ago to make an investigation with a view of determining how rich in coal the island is. He made a thorough investigation with diamond drills and by the actual mining of coal, which occupied the better part of two years. As a result he filed an official report in which it is said that there are two strata of coal, varying in width from 8 feet to over 20 feet, separated by a limestone stratum; the highest outcrop is 500 feet above the sea, and the diamond drills revealed coal to the depth of at least 300 feet below the level of the sea. He does not know how much farther down the coal extends.

The United States Government and the Philippine government together pay for coal now used on transports and for public purposes in Manila in the ice plant and elsewhere about a million dollars a year—about \$5 a ton for coal as it comes from Japan and Australia.

The idea is by this bill to permit the United States Government, through the War Department, to advertise for bidders (and there are three or four prospective bidders, I understand), they to submit the terms upon which they will consent to mine that coal and furnish such amounts as the United States Government and the Philippine government, respectively, may need, at a price not to exceed 10 per cent above the cost price on board ship in the harbor at Batan.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. COOPER of Wisconsin. In one minute. As I have said, coal now costs these two governments about \$5 a ton. The Batan coal is a better quality than the Japanese coal, and can be laid upon the ship at \$2 a ton in the harbor at Batan; adding 10 per cent would make \$2.20 to the United States. By carrying out this arrangement, if one is perfected, it will save approximately \$400,000 a year to the United States Government and to the treasury of the Philippine Islands—possibly half a million dollars. Now I will yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Did not we pay \$50,000 for this land over there for the identical purpose of getting coal which we needed for the Philippine government?

Mr. COOPER of Wisconsin. We paid \$50,000 for some Spanish claims, that were indefeasible, according to the law depart-

ment. These claims were 10 years old and antedated our entering into the possession of the Philippines.

Mr. CLARK of Missouri. We paid \$50,000 for something.

Mr. COOPER of Wisconsin. We had to pay them in order that somebody might get the coal.

Mr. CLARK of Missouri. What is the reason the United States does not go there and mine the coal?

Mr. COOPER of Wisconsin. The Government thinks, and I think it is the sense of Congress, that it would be better for the Government to turn this property over to lessees and let the two governments get coal at 10 per cent above the cost price, rather than for the Government of the United States or for the Philippine government to enter into the coal-mining business in the island of Batan.

Mr. CLARK of Missouri. They can sell this coal to anybody who wants it?

Mr. COOPER of Wisconsin. Yes.

Mr. CLARK of Missouri. Does anybody know there is an inexhaustible supply of coal over there or not?

Mr. COOPER of Wisconsin. They think it will last a hundred and fifty years.

Mr. CLARK of Missouri. According to the Speaker's statement here one day, we are going to hold these islands forever and a day. Now, if that is so, it seems to me we ought to put our own men to digging that coal and keep the coal over there for ourselves.

Mr. COOPER of Wisconsin. That is just a question of public policy. The committee thought, and officials generally think, as do the officials of the Philippine government, that it would be better for the United States Government to lease this coal land rather than engage itself in mining the coal in that island. I reserve the balance of my time.

Mr. TAWNEY. Will the gentleman from Wisconsin permit a question before he takes his seat?

Mr. COOPER of Wisconsin. Yes.

Mr. TAWNEY. What is the consideration the Government will receive for this lease of fifty years?

Mr. COOPER of Wisconsin. About \$400,000 of money saved to these governments annually.

Mr. TAWNEY. In what way is that saving or that amount received by the Government?

Mr. COOPER of Wisconsin. The United States Government is compelled to-day to pay for coal which it uses in the Philippines, and on its transports touching there, and in its coast-guard boats and launches, and the Philippine government is also compelled to pay for coal used in its icing plants and other public works an average price of \$5 a ton.

Mr. TAWNEY. Now, does the gentleman include the coal used in the Navy in that?

Mr. COOPER of Wisconsin. No.

Mr. TAWNEY. It is for the Philippine government.

Mr. COOPER of Wisconsin. And for the United States transports, coast-guard boats, etc.

Mr. TAWNEY. In what respect is the Government of the United States benefited by saving to the Philippine government in the amount of coal consumed?

Mr. COOPER of Wisconsin. The transports which run back and forth can use this coal, and it is in testimony that we can save \$2,500 a trip if they can mine that coal and get it at \$2.20 or \$2.25 a ton.

Mr. TAWNEY. Then the actual consideration is that we are obliged to purchase this coal from the lessee at 10 per cent above the cost of producing it?

Mr. COOPER of Wisconsin. Well, wait a moment; and the saving of about \$400,000 a year of money which to-day must be paid to the miners of Japanese or Australian coal.

Mr. TAWNEY. But the actual consideration paid by the lessee is merely the difference between 10 per cent above the cost of producing the coal and the market value of the coal in the Philippine Islands.

Mr. COOPER of Wisconsin. But suppose we agreed to pay \$5 a ton and the lessee turned back \$400,000, there would be no difference at all.

Mr. TAWNEY. We are entitled, are we not, to some consideration for the investment there?

Mr. COOPER of Wisconsin. Yes; there is a good deal of an investment.

Mr. TAWNEY. All the consideration which the lessee pays under your proposition is the difference between 10 per cent above the cost of producing the coal and the market price of the coal in the Philippine Islands, the coal which the United States Government consumes, and that is the only consideration. One further question—

Mr. COOPER of Wisconsin. Does this come out of the gentleman's time or out of mine?

Mr. TAWNEY. I will ask it in my own time. You lease to these parties—

Mr. COOPER of Wisconsin. Do I understand that the gentleman from Minnesota has the floor?

Mr. TAWNEY. Do you lease to these parties—

Mr. COOPER of Wisconsin. I have reserved the balance of my time.

Mr. TAWNEY. I am recognized in my own right, Mr. Speaker, for the purpose of asking the gentleman from Wisconsin a question if he will permit it. Do you propose to lease the Government reservation in addition to the Spanish claims?

Mr. COOPER of Wisconsin. We lease the coal lands in the island of Batan.

Mr. TAWNEY. You lease the entire island?

Mr. COOPER of Wisconsin. The coal mines are on the Batan reservation.

Mr. TAWNEY. That includes the Government reservation in addition to the claims which we have purchased from the Spaniards. What is the estimated value of the island of Batan, or the coal on the island of Batan?

Mr. COOPER of Wisconsin. I do not know that any estimate has been made.

Mr. TAWNEY. Has not Lieutenant Wigmore made an estimate?

Mr. COOPER of Wisconsin. I do not recall that he has. The gentleman can figure that out himself.

Mr. TAWNEY. My recollection is that Lieutenant Wigmore had made an estimate of that, and it seems to me, I will say, a very strange transaction for us to lease to these parties the coal lands in the entire island, conceded to be the best coal-producing part of the Philippine Islands, giving a perpetual lease for a consideration which merely represents the difference between 10 per cent above the cost of producing the coal, which, of course, does not amount to anything like the real value for the amount of coal on that island.

Mr. COOPER of Wisconsin. The gentleman makes an assumption which might in part account for his argument. He says it is a perpetual lease, whereas the limit is fifty years.

Mr. TAWNEY. It is a fifty-year lease. I yield five minutes to the gentleman from Ohio.

Mr. PAYNE. I would like to ask the gentleman from Wisconsin a question in his own time. The question is whether the difference in the price of the coal is the only consideration, or whether the bill contemplates bids, and that there will be an additional compensation for the coal?

Mr. COOPER of Wisconsin. The bill provides that they shall have as essential in their bids an undertaking that they shall furnish coal to these two governments at 10 per cent above cost.

Mr. PAYNE. With the understanding that they will pay a royalty for the balance?

Mr. COOPER of Wisconsin. There is to be competition in bidding. I think bidders will submit a very much better proposition than that, because there are three or more, I believe, who are desirous to get in there. But the bill does not absolutely require bids to include a royalty.

Mr. TAWNEY. I yield five minutes to the gentleman from Ohio.

Mr. KEIFER. Mr. Speaker, I wish to say I am somewhat familiar with the history of this island. I am perfectly certain from the discussion we have had that the proposition now is to destroy it, so far as its general usefulness to the United States is concerned, as a place to mine coal for the benefit of the United States. Now, that the bill will accomplish that thing is certain within the next fifty years, that it will let some private corporation, such as the Union Iron Works Company, of San Francisco, or some other company, get into a great and extensive coal speculation, under which the Philippine government and the United States Government is to pay 10 per cent in addition to that company in the way of profit after leasing the property to it for fifty years. Why should not the United States mine the coal as it needs it and save the 10 per cent and save the island and its coal for the country for use in future years? It seems to me it would be the best for the United States to go to work and get this coal out for itself as it is needed by it rather than to pass this particularly bad bill that authorizes a lease the effect of which would be to give the coal on the island of Batan away and to pay a premium to the lessee for taking it.

It is suggested that somebody might make a better offer. And the gentleman from Wisconsin has spoken about that being done at the time when we are authorizing a lease, or worse than that; but as the bill stands it provides for the giving away of this great natural coal deposit in the island of Batan. We wisely purchased some claims to secure a good title to the island.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I am informed by a member of the committee that it will cost \$1,000,000 to install the plant. Would the gentleman have the United States enter into a proposition of that kind?

Mr. KEIFER. Where does that information come from? I have been a little familiar with mining myself, and it is always easy to talk about large sums. It would not cost to mine in a moderate way out there more than \$100,000, if as much, unless there is something marvelous about the conditions there. In Missouri you can establish a very good coal-mine plant for \$50,000. Then the Government under the proposed lease would be charged with this \$1,000,000, if that sum should be used in making up the cost of the mine. The leasing company would, under the proposed lease, take the cost of their plant into account and add it to the cost of producing, and then add 10 per cent in addition on all coal the Government might need or buy. So we will still have to pay for establishing the lessee's plant as well as pay the 10 per cent; and we had better pay it in the first instance and mine the coal within the limits that we need and enough for every purpose—including our Navy and for transports—and let the balance of the coal remain in the earth for future uses and future generations. I do not understand under the proposition the lessees are to pay anything for the coal they mine and sell to parties other than the United States, and there is no regulation as to fixing the price that they are to charge other people. The effect of the bill, should it become a law, would be to give away our only valuable coal acquisition in the Philippines.

Mr. TAWNEY. How much time have I remaining?

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. TAWNEY. I yield five minutes to the gentleman from Iowa.

Mr. HULL. Mr. Speaker, I hardly think that I want five minutes. The gentleman from Ohio has covered part of what I have to say. We are proposing, Mr. Speaker, to give for fifty years to some corporation a property which, according to the speech of the gentleman from Wisconsin, will be at least worth \$100,000,000 in cash, if it is developed or shows the amount of coal that it is suggested, without any compensation to the Government in the way of royalty for all the fifty years. Now, Mr. Speaker, when we pay the 10 per cent they make up the item of cost, as the gentleman from Ohio has stated. Whatever the amount of cost they expend there in developing the property we have got to pay 10 per cent on for the coal we use ourselves, and we get absolutely nothing for the millions of tons that may be shipped to China, or sold to the people of the islands or to any other people. They talk about competition. Gentlemen, any three companies desiring this property for fifty years will have wisdom enough to make a combination and divide the swag rather than fight each other for the exclusive use of the property for themselves. There ought to be in this great property a safeguard that will insure some benefit for the future, in place of tying it up in this way now for so long a period of time. If it is necessary for us to protect the Government, if the coal is situated as represented at the time that we authorized the payment of \$50,000 to buy the land between the shore and the coal field, \$25,000 will put up a plant ample to supply the Government of the United States and the Philippine government with every ton of coal they may need for their purposes, and I hope this Congress will not in this way surrender its right to this valuable property, and that no measure of this kind will pass the House. [Applause.] Let the bill be properly considered and safeguarded or let it die.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, in my judgment this proposition is a very unwise one—in fact, one of the unwise ever introduced here. I need not take the time of the House to explain my position about the Philippine Islands; but if we are going to keep them, then surely we ought not to alienate or to lease out or in any way get rid of any of the means of defending ourselves in the Philippine Islands. That is the danger point of this Republic, if we ever get into any foreign war, and everybody knows it. Among the many regrettable features of the Philippine situation that is the most regrettable. The Speaker of the House once said that we were going to hold the Philippines forever and a day. Other people have modified that statement somewhat, but however that may be we have them on hand now; there is no question about that. More's the pity. Here not long ago we voted an appropriation of \$50,000 to secure the shadowy rights of somebody to a passageway to these very identical lands, in order that we might have a certainty of having coal over there. Now, the committee comes in and proposes to lease the land for fifty years to any-

body who bids the highest. That's the theory, but of course everybody knows who it is that is going to get the lease for fifty years. It is true that they put into this contract the clause that they must keep on hand coal enough for our uses and the uses of the Philippine government, but suppose they do not keep it on hand, and suppose that we suddenly get into a foreign war and find ourselves in the Philippine Islands without any coal? We would be in a most unfortunate and disastrous condition, wouldn't we? Inasmuch as we have these coal lands, and have paid for them, I am in favor of the United States Government fixing up a mine of its own over there, so that nobody can get a ton of coal out of that island except ourselves for our own purposes.

The gentleman from Wisconsin [Mr. COOPER] says there is coal enough over there to last one hundred and fifty years. Suppose that is true; we are not legislating for one hundred and fifty years, but for all time, if the statement of the Speaker of this House be true. One hundred and fifty years is sufficient for the Union Iron Company, of San Francisco, or some other company to exploit the coal fields of those islands, but it is not sufficient to last us as long as we are going to keep the islands, if the Speaker was correct, and I really am sorry to say that I am afraid he was correct.

I am in favor of the United States Government having a place to make its own armor plate, a place to make its own guns, a place to make its own powder, a place to build its own battle ships, and inasmuch as in this case we need coal over there, I am in favor of the Government clinging to every pound of that coal, and I am dead against this proposition either as it stands or under any amendment that you can put into it. [Applause.]

Mr. TAWNEY. I yield one minute to the gentleman from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Speaker, I wish to know whether or not, in the gentleman's judgment, our Government, in case a lease is made with some corporation, will be bound to maintain that corporation in its quiet and peaceable possession of that coal land in case we get out of the Philippine Islands?

Mr. COOPER of Wisconsin. We own that island, and I doubt whether the Congress of the United States would ever consent to give up that coal station.

Mr. DRISCOLL. I am not in favor of any contract or the erection of any building or any betterments or any policy of any kind which will tie us up there and keep us there in the islands when the time comes, if it ever does come, for us to get out and set the Filipinos up as an independent republic. We should not make any contracts with any corporations or persons by which we shall be bound to assume obligations from which we can not be released if the time ever comes when, in the wisdom of the American people, they feel disposed to relinquish their sovereignty over the Philippine Islands. We own the islands and the coal. The contract proposed does not appear to be a very advantageous one, and one of the unfortunate complications may be that this Government will be under obligations to maintain the coal company in quiet and peaceable possession of that island, even when our people may consider it to their advantage and their patriotic duty to surrender our occupancy. I do not believe at this time in assuming an obligation which may result in an expensive and troublesome entanglement.

Mr. TAWNEY. Mr. Speaker, I just want to say a word in closing. I am not opposed to the leasing of these coal lands on the island of Batan. I am opposed to the proposed form of the lease which is authorized by this bill. If this bill could be considered in the House or Committee of the Whole, where it could be amended, I feel confident that it could be so amended as to be acceptable, but I want to call the attention of the House to the fact that the gentleman from Wisconsin may figure it as he pleases, the last analysis is that whoever gets this lease pays absolutely nothing to the Government of the United States for all the coal that is taken out of the mines on this island, and in addition to that the Government of the United States must pay to the lessee a commercial profit on every ton of coal it furnishes to the Government of the United States. You can not get away from that proposition—10 per cent above the cost, not above the cost of producing—but it is specially provided here that in figuring the cost of production you must figure the cost of the plant. You must also figure 10 per cent of the upkeep or the maintenance of that plant in addition to the cost of producing the coal. Now, I repeat, Mr. Speaker, that under this contract the Government gets absolutely nothing and it pays a commercial profit to the lessee for every pound of coal that it consumes or takes from it. Because of these conditions I submit to the House that this bill ought not to be considered under suspension of the rules, where there is no opportunity to amend it. If it is brought up at all, it ought to be either in the House

or in Committee of the Whole, where it can be considered and amended. I hope, therefore, that the motion of the gentleman will not prevail.

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Speaker, I do not understand the bill at all as the gentleman from Minnesota [Mr. TAWNEY] understands it. The Government has an island in the Philippines with coal on it. This bill gives authority to the War Department to lease that island on advertisement and competitive bids. They may get a royalty. Nobody knows how much. It absolutely leaves it discretionary with them. As I understand, the royalty on coal lands in Pennsylvania ranges from 6 to 10 cents a ton. Nobody knows what we will get for this coal. The assumption that the coal is to be taken out and sold for the benefit of the company is a pure assumption. Even the Department itself does not know what bids will be submitted. If they are not satisfactory they will not be accepted. The only condition that is put in here is that, having received a satisfactory bid—a satisfactory royalty upon the coal that is in the island—they shall reserve to themselves the right, for the Army and Navy uses of the Government, not to be charged more than 10 per cent above the cost of getting out the coal.

Mr. TAWNEY, Mr. HULL, and Mr. CHARLES B. LANDIS rose.

The SPEAKER. To whom does the gentleman yield?

Mr. HILL of Connecticut. I yield to the gentleman from Indiana [Mr. CHARLES B. LANDIS].

Mr. CHARLES B. LANDIS. We are new in the Philippine Islands, are we not?

Mr. HILL of Connecticut. Certainly.

Mr. CHARLES B. LANDIS. We know very little about the conditions there.

Mr. HILL of Connecticut. Certainly.

Mr. CHARLES B. LANDIS. We know very little about those Islands.

Mr. HILL of Connecticut. Exactly.

Mr. CHARLES B. LANDIS. Does the gentleman from Connecticut think it is wise to tie up the coal lands of those islands for fifty years to any corporation?

Mr. HILL of Connecticut. I would not think so if I did not know what the bid was, and that can not be determined until after the bids are opened.

Mr. TAWNEY. Right there will the gentleman permit a question?

Mr. HILL of Connecticut. If I owned a thousand acres of coal land in Pennsylvania I would lease it on a royalty, as I presume nine-tenths of the coal land or a large proportion of the coal lands there are leased and operated. Now, this bill is simply to give the United States Government the privilege of doing precisely what any individual would do if he owned this island and this coal. To say that the coal is to be given away is absurd. To say that we put ourselves entirely in the control of an unknown bidder is absurd, until we know what the bids are, and if they are not for the best interests of the United States Government they will not be accepted; but until you advertise, until you get your bids, what are you going to do? Are you going to let the coal lie there unused?

Mr. HULL. Will the gentleman yield for a question right on that point?

Mr. HILL of Connecticut. Yes.

Mr. HULL. Why not write into the law a definite proposition?

Mr. HILL of Connecticut. If you will write into the law what you are willing to give for the coal, I am perfectly willing; but nobody knows what royalty will be offered for it. Nobody knows what kind of a bid will be made. That is to be determined after advertisement and competitive bidding. The Department reserves all rights to accept or reject or include such restrictions as they see fit to make.

Mr. HULL. You are giving up all your rights.

Mr. HILL of Connecticut. You do not give up any right until you see the bids, and you do not sign any contract until the bids are in and accepted.

Mr. TAWNEY. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman has two minutes.

Mr. TAWNEY. I will yield a half a minute of that to the gentleman from Indiana [Mr. LANDIS].

Mr. CHARLES B. LANDIS. I would like to ask the gentleman one question. The gentleman spoke of the practice that

prevailed in Pennsylvania. I would like to ask him if it is not true that thousands and thousands of acres of coal lands in Pennsylvania were originally given away, and the gentleman proposes to give away these?

Mr. HILL of Connecticut. Not at all, not at all; the whole purpose of this bill is, if the gentleman takes the right view of it, that the Government of the United States shall get the full value of the coal taken out.

Mr. CHARLES B. LANDIS. But it is a fact that thousands of acres of lands were originally given away which are now selling for from \$500 to \$5,000 per acre.

Mr. TAWNEY. Mr. Speaker, I yield half a minute to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I can not do anything in thirty seconds except to say that I voted and urged the passage of the bill to close the option and pay \$50,000 for the island, because I thought it was necessary to get our hands upon that valuable property. I am opposed in this hurried way at this time to alienate any of the rights of the Government under any contract. [Applause.]

Mr. TAWNEY. Mr. Speaker, just one word: I recall very distinctly the testimony before the Committee on Appropriations when the War Department sought to obtain an appropriation of \$50,000, under the head of "Transportation for the Army," for the purpose of purchasing this island. At that time Lieutenant Wigmore told us there was only one concern in the United States that could be induced to lease and operate these coal mines, and that was the Union Iron Works, at San Francisco, and that he was not certain that company would lease. I have no doubt, in the light of subsequent developments, that the plan was to get the Government of the United States to buy these Spanish claims and then lease the island to this concern at practically a nominal rent, and the Government of the United States would get nothing whatever from it, and I hope the motion will not prevail.

Mr. COOPER of Wisconsin. Mr. Speaker, "scheme" is a very suggestive word, a very unfair word to use in this connection. Nobody knows that better than does the gentleman from Minnesota.

Mr. TAWNEY. I will substitute the word "plan."

Mr. COOPER of Wisconsin. That sounds much better, but it would have sounded still better if the gentleman had used it before using the word "scheme." "Scheme," used in this connection, has a kind of sinister meaning.

Why, the Secretary of War has recommended this plan, as has the Philippine government from the beginning. Not only this, but the original bill introduced in the House months ago, with which the gentleman from Minnesota is absolutely familiar, because he alluded to it in a speech in the House some weeks since, did not provide for anything else. There has been no concealment of the desire to lease this coal land should there be opportunity, and it is unfair for the gentleman to make an insinuation not based upon the facts nor anything resembling the facts. The gentleman from Ohio says that we can put up a plant there for \$50,000. The gentleman from Ohio has never been within 10,000 miles of Batan Island.

Here is Lieutenant Wigmore, an expert, familiar with all the facts, who says, "You say, I believe, that an up-to-date plant there would cost \$500,000?" "Yes."

Mr. KEIFER. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not yield now.

Mr. KEIFER. I want to know where Lieutenant Wigmore ever built a plant. I can tell him where people have built a good one for \$25,000.

Mr. COOPER of Wisconsin. It would cost a great deal more to build this plant 450 miles from Manila on Batan Island, to which the only route is by water, where there is no city, no village, no habitation, no docks, no wharves, no piers, and where the lessee would have to build all of these things, than it would to construct a similar plant in Pennsylvania.

Mr. KEIFER. That is not the plant; that is something else.

Mr. COOPER of Wisconsin. Now, Mr. Speaker, I desire to call the attention of the House to the criticism made during this discussion, because this bill, which is here at the suggestion of the War Department and of the Philippine government, is silent as to the price at which other consumers besides the two governments may get coal.

The price to other consumers will be fixed in open competition. The lessees of the Batan coal land will have to compete for the Chinese market and for the Japanese market with coal mined in Japan and with coal mined in Australia. There is practically very little or no market in the Philippines for coal except for that bought by the United States Government and the Philippine government. Do you want Congress, by legisla-

tion in the United States, to attempt to fix the price at which Batan coal shall be sold in Japan and China in competition with the cheaply produced coal of Japan and Australia? How can this be done? Is this a sound business suggestion? Gentlemen know that it is not. It is only an appeal to prejudice, not to reason.

Mr. PAYNE. I think the difficulty with the gentleman's bill in the mind of the House has been it does not prescribe specifically that the parties shall have the right to pay a certain royalty on the coal going to other parties. That is the difficulty in the mind of the House. I do not think the House is against leasing the land. I do not think the House wants the Government to fix a price to other parties, but what they do want is to have it explicitly stated that there shall be a royalty on the mining of the coal that is mined for other parties in order to get full compensation.

Mr. COOPER of Wisconsin. I will say in reply to that—

Mr. PAYNE. And I think the bill ought to go before the House in the Committee of the Whole and have full consideration of the House and be open for amendment.

Mr. COOPER of Wisconsin. The Committee on Insular Affairs did not deem it best to insert in the bill a provision absolutely requiring bids to include a royalty. But the bill does provide that the lease shall contain such other and further restrictions as the Secretary of War may see fit to impose.

The CHAIRMAN. The time of the gentleman has expired.

The question was taken; and two-thirds not having voted in favor thereof, the bill was rejected.

EXTENSION OF CERTAIN UNITED STATES BONDS.

Mr. SHERLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16290) to postpone until 1937 the maturity of \$250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the time of payment of the \$250,000 of United States 4 per cent bonds, funded loan of 1907, inscribed "Secretary of the Treasury, trustee—interest to the Treasurer of the United States for credit of appropriation 'To promote the education of the blind,'" and issued under authority of the act of March 3, 1879, entitled "An act to promote the education of the blind," is hereby extended for the period of thirty years from the 1st day of July, 1907, at 4 per cent interest; and the Secretary of the Treasury is hereby directed to indorse the fact of such extension upon said bonds.

The SPEAKER. Is a second demanded?

Mr. PERKINS. Mr. Speaker, I demand a second.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker, the purpose of this bill is to postpone for thirty years the maturity of a quarter of a million dollars of Government United States 4 per cent bonds. In 1879 the Congress of the United States appropriated a quarter of a million dollars of bonds in perpetuity for the benefit of the blind schools of America, and required that the income from these bonds should be paid annually to the American Printing House for the Blind. The American Printing House for the Blind prints embossed books which are used in the blind schools of the country. By the provisions of the act of 1879 this money must be used solely in the printing of these books, which are sold at cost, and which must be distributed pro rata among the public schools for the blind in the country.

Mr. PERKINS. I desire to ask the gentleman, Do I understand the Government of the United States gave \$250,000 for that purpose? The Government gave a quarter of a million dollars of its own bonds for that purpose?

Mr. SHERLEY. That is true.

Mr. PERKINS. First it gave the bonds, and then it gave the interest upon the bonds?

Mr. SHERLEY. Yes.

Mr. PERKINS. Now these bonds would have to be placed at a lower rate than 4 per cent.

Mr. SHERLEY. Under the terms of the act, on the maturity of the bonds it is necessary that they be reinvested in Government securities. There are no Government securities which, if they be reinvested, will return an interest greater than 2 per cent.

Mr. PERKINS. The object of the bill is to postpone the maturity of these bonds for thirty years, so that this institution will still continue to get \$10,000 per annum instead of \$5,000 per annum. That is the object of the bill.

Mr. SHERLEY. That is correct. The object of the bill is to continue the payment of \$10,000 instead of reducing the payment to \$5,000.

Mr. PERKINS. What is done with this money?

Mr. SHERLEY. The money is paid over annually to the American Printing House for the Blind. The American Printing House for the Blind is a corporation incorporated under an act of the State of Kentucky in 1858. Its board of directors is composed of the superintendents of the various State blind asylums throughout the country. This money is paid to this printing house to be used in printing embossed books for the blind, and one of the requirements is that these books shall be sold at cost and that they shall be distributed equally among all the blind asylums of the country.

Mr. PERKINS. What fund have they apart from this \$10,000 given by the Government?

Mr. SHERLEY. The State of Kentucky furnished the buildings, and they have since received by way of personal contributions something like \$165,000, mostly to aid in religious instruction; but the demand now upon the printing house is so much larger than it was at the time this money was given that the reduction in interest will result in absolutely crippling this printing establishment for the blind.

Mr. PERKINS. Does the State of Kentucky contribute any money to the institution?

Mr. SHERLEY. The State of Kentucky originally contributed the money for the buildings and equipment, along with several other States. I want the gentleman to bear in mind that this is distinct from the blind schools. Kentucky supports at her own expense a blind asylum, as do most of the States of the Union. The cost of printing books for the blind is very great—so great that no commercial house can afford to engage in it. There is not sufficient demand to make it profitable. Now, in order to meet the demand for books that existed, which, while small, was imperative, the Government came to the aid of the American Printing House for the Blind and gave this money in trust.

Mr. UNDERWOOD. Are these books distributed throughout the United States generally, or just in the State of Kentucky?

Mr. SHERLEY. These books are distributed through the United States generally, and by the requirements of the act must be distributed pro rata according to the number of blind pupils in the different State schools.

Mr. SULZER. Are they charged for them?

Mr. SHERLEY. They are sold at cost.

Mr. PERKINS. How large is the annual income?

Mr. SHERLEY. The income is practically this \$10,000 a year which they have received from the Government and the income received in part from the \$165,000 privately contributed.

Mr. PERKINS. Do you receive any contributions from the public? I suppose that there would be contributions received from outside sources.

Mr. SHERLEY. The American Printing House for the Blind would be very glad to receive contributions, but up to this time it has only received this \$165,000.

Mr. PERKINS. In other words, the Government practically pays the entire expense of this charity. That is what it comes to.

Mr. SHERLEY. The Government did this: The Government furnished a quarter of a million of dollars for the benefit of this charity, and the State—

Mr. PERKINS. On which it pays \$10,000 a year interest—

Mr. SHERLEY (continuing). And the State of Kentucky furnished the buildings and original equipment. Not a dollar of the expenditure for the buildings and equipment has been paid out of the Government fund.

Mr. PERKINS. Does not the gentleman think, as this is a very useful charity, that it ought to be possible to get from the country at large some assistance outside of the \$10,000 which the Government pays; and that those in charge of the institution ought to be able to obtain contributions from various sources instead of as it has done for about twenty-five years?

Mr. SHERLEY. I believe if this matter were brought to the attention of the country at large, there would probably be contributions made.

Mr. PERKINS. Why do you not bring it to the attention of the country?

Mr. SHERLEY. I am not one of the directors. The question here is whether the Government shall destroy one-half of the income given by it for the benefit of this institution.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. SHERLEY. Certainly.

Mr. MANN. If these books are sold at cost, what do they do with this money?

Mr. SHERLEY. They are sold at cost, considering this money as subtracting that much from the cost of the books. If they did not have this money, and had to sell at actual cost,

then the cost of the books would be so great as to be almost prohibitory.

Mr. MANN. I think the gentleman might amend his statement by making it below cost.

Mr. SHERLEY. I used the phrase contained in the original act. What was there meant and what I mean is that no profit is made on the books. The \$10,000 simply enables them to sell the books at a less price than they could sell without it. The following letter from the head of the American Printing House for the Blind, Prof. B. B. Huntoon, concisely states the case:

LOUISVILLE, KY., February 12, 1906.

HON. SWAGAR SHERLEY,
Washington, D. C.

MY DEAR SIR: As Secretary Shaw has suggested and advised bringing in a bill extending for thirty years the bonds of \$250,000, at 4 per cent, held in trust by him, to promote the education of the blind, as being by far more preferable to increasing the fund to \$500,000, at 2 per cent, permit me to remind you that in 1879, though Congress had made large benefactions of land and money to aid the education of almost every other class, nothing had ever been done for the blind.

All the thirty State schools for the blind in the country unanimously petitioned Congress, setting forth the fact that their great need was a supply of embossed books, as, while the need was imperative, the demand was so small that there was no inducement for private enterprise to do this printing; and, in fact, at that time there were barely two score embossed books in the country.

Congress acceded to the petition and stipulated that no portion of the aid given should be spent on land or buildings, but that the endowment for printing books for the blind should be perpetual, and as the bonds matured they should be refunded in other interest-bearing United States bonds.

Now, the State schools for the blind are forty in number, and their pupils, which in 1879 had a population of 2,100, now have 4,400.

The educators of the blind look in dismay upon the prospect of their resources for printing embossed books being cut in half at the time when their needs are more than doubled.

The State of Kentucky, at an expense of \$30,000, gave the land, erected the buildings, and supplied the plant for carrying out the beneficent work of embossing books for the blind.

Every blind child at school at any school for the blind in the United States has been inestimably benefited by that act of Congress.

It is impossible to overstate the importance of this aid to the education of the blind. It has revolutionized the methods of their education. It has supplied up-to-date embossed text-books on all the subjects of a common school education, through the high school course, and, incidentally, has caused departments for blind readers to be established in the National Library, in Washington, and in over forty other public libraries.

No greater service can be done the education of the blind in this country than to continue unimpaired the work done at the American Printing House for the Blind at Louisville, Ky.

Yours, very truly,

B. B. HUNTOON.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. PERKINS. I yield to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I only want to say that this bill was unanimously reported by the Committee on Ways and Means. Originally there was set aside \$250,000 for this purpose.

Mr. PERKINS. I yield the gentleman time, and I would like him to answer my question.

Mr. PAYNE. I will do so directly. It was originally given for the purpose of education. There was no way of printing these books by private enterprise. It is very costly to print in raised letters for the blind, and the United States Government set this money aside thirty years ago, to be invested in United States bonds, when they drew 4 per cent interest, which has been paid up to this time. Next year those bonds will only pay 2 per cent, which will cut that income in two. Now, the institution has been a very beneficent one.

The president of that institution is a native of my own town whom I have known always, and who is a splendid man, and so regarded in the State of Kentucky. This is not a Kentucky institution, but a national institution. After these books are printed they furnish them at cost to the blind. They furnish them at cost, Bibles to Bible societies, and books of that kind to missionary societies, and they have done a great deal of good in that way in the diffusion of information for the blind. Without this work the blind could not get it. Now, gentlemen ask why private resources are not drawn upon. They have not been able to get the money without this appropriation. If it is cut down now to \$5,000 instead of \$10,000, a great part of this work must cease. In order to continue the work it seems to be necessary to make this appropriation.

Mr. PERKINS. I do not understand why it is in this country, if this is so good a charity, when the contributions for charity are so large, that somebody besides the United States Government can not be found to chip in.

Mr. PAYNE. Oh, well, I can not see why it is in this country that we have to appropriate Government money for experiment stations. I do not see why it is that we have to give money for the benefit of agricultural colleges. I do not see why private enterprise does not come forward and do all these things; but Congress has done it because private enterprise did not come forward and do it.

Mr. PERKINS. Do you think Congress should give generally to all the institutions for the blind over the country?

Mr. PAYNE. Oh, no; I do not, and this is not asked for that reason. Aside from this they have an institution for the blind there in the State of Kentucky, conducted by private funds, a private enterprise, where people also go who are able to pay their tuition, but this is for work for which they have not been able to raise the necessary money otherwise.

Mr. BURTON of Ohio. Will the gentleman yield to me for several questions?

Mr. PAYNE. Yes.

Mr. BURTON of Ohio. This amount of \$250,000 is substantially an obligation of the United States Government?

Mr. PAYNE. It was set aside and held in trust by the United States, invested in bonds drawing 4 per cent and running for thirty years, the interest being paid over to this institution. These bonds mature a year from next July.

Mr. BURTON of Ohio. If this bill should not pass, the \$250,000 could be paid over to this institution and the bonds canceled, could they not?

Mr. PAYNE. Not without legislation by Congress.

Mr. BURTON of Ohio. But that could be accomplished by legislation.

Mr. PAYNE. Certainly; Congress could pay over the money.

Mr. BURTON of Ohio. Is it not possible that the money could be invested by the institution at a rate of interest even higher than 4 per cent?

Mr. PAYNE. I think that would be difficult—to get a secure investment that would pay more than 4 per cent. I think it might be invested at 4 per cent.

Mr. BURTON of Ohio. Is not every effort being made to reduce the rate of interest on Government bonds?

Mr. PAYNE. Well, the gentleman knows as much about that as I do, of course.

Mr. BURTON of Ohio. So that Government bonds are now issued at 2 per cent?

Mr. PAYNE. We have been reducing the rate of interest by requiring a deposit of national bonds for the issue of money without interest, and that is a reduction of the rate of interest.

Mr. BURTON of Ohio. Does not the gentleman from New York think it is a dangerous precedent to continue a 4 per cent rate of interest on any amount of United States bonds for thirty years, when money can now be borrowed by the United States Government at 2 per cent?

Mr. PAYNE. If the gentleman means that as a question, intending to intimate that we may be liable to do the same thing in regard to other parts of the national debt, I say no. This is simply giving this money for the benefit of the blind people and for their education and for the printing of their books.

Mr. BURTON of Ohio. The gentleman will concede, however, that if the \$250,000 was actually paid over to this institution it could be so invested as to bring an income at least equal to \$10,000 a year?

Mr. PAYNE. Well, the gentlemen in charge of this institution did not have the courage to ask that of Congress. They do ask, however, that this appropriation of \$10,000 a year—for, that is what it amounts to—be continued.

Mr. BURTON of Ohio. But suppose you should pay over the \$250,000? These bonds are held in trust, and the question now presenting itself is whether they shall be paid or continued at a rate of interest twice as great as that which the Government is now paying on its other obligations. That is the question, is it not?

Mr. PAYNE. Let me say, in connection with that, that the statute provides that at the end of thirty years they shall be reinvested in other bonds of the United States.

Mr. BURTON of Ohio. That, however, could be readily amended, could it not?

Mr. PAYNE. It is competent for Congress to appropriate this \$250,000, but that is not the bill before the House, however.

Mr. BURTON of Ohio. The question is whether that would not be a much better bill. It would afford just as much benefit to this institution, and at the same time relieve the Congress of the United States from donating \$5,000 a year by continuing the maximum rate of interest on a quarter of million of bonds for a very long period.

Mr. PAYNE. That proposition was not presented to the committee, I suppose, out of the modesty of the gentlemen who had the matter in charge, who wanted to get this bill through.

Mr. COCKRAN. I should like to ask the gentleman from New York if it be not the fact that if this measure now before the House fails, this subvention to the institution will fall altogether?

Mr. PERKINS. Oh, no; they own the bonds.

Mr. COCKRAN. I do not understand about that. That is what I want to know.

Mr. PAYNE. If this bill is not passed by this Congress it would not fail altogether, but it would be the duty of the Secretary of the Treasury to reinvest the fund in bonds bearing 2 per cent interest, so that \$5,000 a year would fail.

Mr. COCKRAN. There is no other proposal before the House except this, is there?

Mr. PAYNE. This is the only thing before the House.

Mr. COCKRAN. So that the House must practically choose between continuing this subvention of \$10,000 and cutting it down to \$5,000?

Mr. PAYNE. Practically it would have that effect.

Mr. PERKINS. Or the House could adopt the other proposition which has been suggested here.

Mr. COCKRAN. But no such bill is presented to the House.

Mr. PERKINS. They could bring in such a bill. The suggestion is whether this is the best way of dealing with the question. If it is the best way, we ought to do it, but if there is a better way, certainly we ought to adopt that.

Mr. COCKRAN. But this is the only proposition now before the House.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

CERTAIN LANDS IN RICHARDSON COUNTY, NEBR.

Mr. HINSHAW. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2418) to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes, with a House committee amendment.

The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, to pay per capita to the Indians of the Sac and Fox tribe, of Missouri, allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., the proportionate share of such Indians in the \$157,000 "paper principal" remaining to the credit of said tribe under the second article of the treaty of October 21, 1837: *Provided*, That sufficient of the amount due said Indians shall be retained and expended by the Secretary of the Interior in paying the assessments that may be made by the said drainage district on the allotments of said Indians for the purpose of protecting the lands embraced in the drainage district from overflow, not exceeding \$7 per acre, and there is hereby appropriated the sum of \$50,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to make the per capita payments herein provided. If any surplus remain, it shall be credited to the remainder of the tribe.

SEC. 2. That the Secretary of the Interior be, and he is hereby authorized, in his discretion, to pay the assessments that may be made on the Sac and Fox tribal lands by said drainage district, not exceeding \$7 per acre, and there is hereby appropriated for this purpose \$7,000 to be deducted from the "paper principal" of \$157,000: *Provided*, That the amount disbursed under the provisions of this section shall be reimbursed from the proceeds derived from the sale of said tribal lands.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the assessments on lands allotted to the Iowa Indians that may be made by said drainage district, not exceeding \$7 per acre, and there is hereby appropriated for such purpose \$2,000.

SEC. 4. That the said drainage district be, and it is hereby authorized to assess the cost of reclaiming the tribal lands of the Sac and Fox Indians, and all lands allotted to the Indians in severalty and held by patents containing restrictions as to sale, taxation, and alienation within said district, and to condemn any of said lands necessary for the purpose of reclamation in the same manner as said district may condemn other lands: *Provided*, That the payments to be made or the taking of lands under the provisions of this section shall be subject to the approval of the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon application, to issue a fee simple patent to any Indian for the lands allotted to him within said drainage district, and the issuance of such patent shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands covered thereby.

The SPEAKER. Is a second demanded? If not, the question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

SURVEY OF MAIL AND PACK ROUTE IN ALASKA.

Mr. REYNOLDS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17510) to provide for a reconnaissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula in Alaska, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$35,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for a reconnaissance and preliminary survey of a land route from the navigable waters of the Tanana River, at or near Fairbanks, to the vicinity of Council City, in the Seward Peninsula, Alaska, for a mail and pack trail along such route, such sum to be immediately

available, and to be expended under the direction of the Secretary of War; report of said survey and reconnaissance to be made to Congress at the earliest practicable day.

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. REYNOLDS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Gentlemen ask unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman what committee reports this bill?

Mr. REYNOLDS. The Committee on Territories.

Mr. UNDERWOOD. The Committee on Rivers and Harbors does not have jurisdiction?

Mr. REYNOLDS. I do not know; the bill was referred to the Committee on Territories and has been considered for nearly two months. We had before us Major Richardson, of the Ninth Infantry, who came here from Alaska, and we also had a statement from the Secretary of War.

Mr. UNDERWOOD. Is the report a unanimous report?

Mr. REYNOLDS. It is a unanimous report, recommended by the entire committee.

Mr. UNDERWOOD. It is rather unusual, is it not, to have a provision come in in this way providing for a survey of the river—

Mr. REYNOLDS. This is not a survey of the river; it is a preliminary survey of a land route for a mail and pack trail from the Tanana River to the Seward Peninsula, in Alaska.

Mr. UNDERWOOD. I misunderstood the reading of the bill.

Mr. REYNOLDS. Mr. Speaker, this bill provides for an appropriation of \$35,000 for a reconnaissance and preliminary survey of a land route from the navigable waters of the Tanana River at or near Fairbanks to the vicinity of Council City, in the Seward Peninsula, for a mail and pack trail along such route, to be expended under the direction of the Secretary of War. After leaving the vicinity of Fairbanks and going in a northwestern direction the proposed survey will cross the Yukon at some point between the mouth of the Tanana and Rampart, thence generally in a westward direction by way of the middle Koyukuk and the head of Norton Bay to the vicinity of Council City. The distance is about 700 miles, and is mainly through an unexplored country. The expenditure contemplated by the bill is strictly for exploration work, and in this respect the bill differs from other legislation relative to road and trail improvements in Alaska, and is designed to procure information needed by the Executive Departments, Congress, and the public at large. The starting point is mentioned as at Fairbanks, but the principal work of the reconnaissance lies between the crossing of the Yukon and the head of Norton Bay, a country but little known.

The immediate result sought to be obtained by the passage of this bill is: The establishment of a shorter mail route to the Seward Peninsula; the improvement of the service in lessening the time by from eighteen to twenty days from Fairbanks to Nome, and when the trail is completed from Valdez to Fairbanks, and the whole in good condition, the service from Seattle should be reduced one-half over the old route by Skagway and the upper Yukon.

During the visit of the subcommittee of the Committee on Territories of the Senate, in the summer of 1903, one of the resolutions adopted by the citizens of Nome set forth the following statement of the condition of the mail service to that section:

The distance from seaboard at Skagway to Nome is about 2,000 miles, over which distance the mail is now hauled by dog teams and sleds on a schedule of sixty days' time, thus placing us during nearly eight months of the year at a decided disadvantage of having to wait one hundred and twenty days, or four months, from date of a letter until it would be possible to receive a reply. This does not allow for delays on this long route, which are frequent and unavoidable owing to storms, during which travel is difficult and dangerous to life and often impossible. * * * The importance of this section of Alaska demands the best and quickest mail service possible for the Government to furnish.

Though three years have expired since this statement was made to the committee, yet little has been done to remedy this inconvenience, save the work which is now in progress and destined to continue under the provisions of the act of Congress creating the "Alaska fund," and the appropriation likely to be made at the present session of Congress to be expended in the construction of the new trail from Valdez to Fairbanks, under the directions of the board of road commissioners, detailed by the Secretary of War. In 1899 the work of building a road from Valdez to Eagle was undertaken by the Government, and considerable money has been expended in bridging streams and laying out a trail through the forests and over the mountains, and on this trail the mails are now carried from Valdez to Eagle.

It further appears from the report of the committee recom-

mending the passage of this bill, that as the mail service on the old route follows the Tanana, then the Yukon to Kaltag, crosses to Unalaklik on the Bering Sea coast, and then skirts around the head of Norton Bay and continues along the coast to Nome, that the advantages of an all-land route are the avoidance of the necessary delays every year during the formation of the ice in the fall and the breaking-up period in the spring—a more direct route by cutting off the bends of the rivers and coast lines; and safer travel by escaping in great measure the storms which sweep up and down the rivers and along the shores of Bering Sea.

Independent of the improved mail facilities, to which this region is entitled by the construction of a trail that should follow the proposed survey, will be the information necessarily obtained through this work as to the wealth and resources of this wonderful land, and the best means through which its development may be hastened, and the Executive, the Congress, and the different Departments of Government should, at the earliest possible date, be placed in possession of the much-needed data, when so many different interests are clamoring here for recognition or aid through legislation in various forms. Territorial government has been demanded, but the committee in charge of this measure has not yet seen proper to give it favorable consideration, but instead the Congress has passed the bill providing for a Delegate to represent and speak for Alaska and present her claims to the favor of the National Government. Bills for the protection and development of her fisheries have received favorable recognition by enactment into law, but legislation looking to aid in railroad building is suspended chiefly because of the want of intelligent information as to what course, if any, should be pursued in that direction. When the Honorable Secretary of War was before the House Committee on Territories, in reply to interrogatories relative to the bills pending before the committee proposing aid to the existing and contemplated railroads, so much needed for the development of Alaska, and it was suggested by the committee whether his statement was not to the effect that the wise thing to do should be for the committee to wait until it gets a little more information, he said:

I think it is wise to get information at any rate, because if you were to confer power on the Executive to guarantee bonds, he would have to take time to get information. He could not act unless he ascertained the circumstances which would justify his using the power which Congress might give him of incurring governmental liability in guaranteeing bonds.

And again he stated:

I presume the route from the coast to the Tanana district is fairly well known now from reconnaissance surveys; but from the Tanana district to Rampart, and from Rampart to the Nome Peninsula, I think certainly ought to be investigated by competent Army engineers before action should be taken by the Executive.

Much stress was laid before the committee upon the duty of Congress to respond to the recommendations of the President in two of his messages favoring the extension of national aid to the building of railroads in Alaska, and in the original bill offered to Congress upon the subject-matter of the pending measure, there was contained a provision for an expenditure to obtain information looking to legislation for governmental aid to Alaskan railroad building. But as the committee was not prepared to commit itself to the project of governmental aid, it was not thought wise to report the bill with the provision before referred to, and it was, in consequence, omitted. The bill, therefore, stands upon the sole and important recommendation for its passage as a necessity for extending and improving the mail facilities of that region, with the resulting advantages of putting the Government and the public at large in possession of all the facts needed for railroad or other developments, when and in whatever manner needed. But as an evidence that this measure, which he has reported with the unanimous sanction of the committee, has the support of executive authority, it is only necessary to refer to the testimony of Secretary Taft before our committee, in which he said:

I think it very important that there should be an appropriation of \$25,000 to make a preliminary survey for Rampart. I think that is very important, whether you have governmental aid or not. I think it is the business of the Government to open up Alaska and to furnish certain knowledge upon which investments could be invited.

The Secretary of War, in transmitting a memorandum prepared by Maj. W. P. Richardson, Ninth Infantry, president of the Alaska board of road commissioners, recommends the passage of this bill, and states:

Such a survey would be of great value to the work of ordinary road and trail construction, outlining the most direct route to the Seward Peninsula.

The same view was supported by the Secretary in his letter to the subcommittee in charge of the bill, as follows:

WAR DEPARTMENT,
Washington, March 27, 1906.

MY DEAR MR. REYNOLDS: I am advised that Major Richardson will appear before your committee this morning to testify as to the neces-

sity for an appropriation to enable the Department to make a railroad survey in Alaska from the vicinity of Fairbanks to Rampart, and thence from Rampart, through the Nome Peninsula, to the Bering Straits, in the vicinity of Nome. I can not urge the necessity for an appropriation for this purpose too strongly, and I hope the committee will be liberal in its provision. When I was before the committee I suggested \$25,000, but after talking with Major Richardson I am convinced that it will require \$50,000 in order to secure a proper investigation of the proposed route, so as to enable the committee and Congress to act intelligently at the next session.

Very sincerely, yours,

WM. H. TAFT.

HON. JOHN M. REYNOLDS,
Chairman Subcommittee of Committee on Territories,
House of Representatives.

The committee, however, reported the bill carrying \$35,000, instead of \$50,000 as recommended in this letter.

It can not be doubted that the survey of this mail and pack trail is but the blazing of the way for greater and more enduring progress-promoting instrumentalities in the shape of wagon roads and railway lines, which are bound to follow, and which will open to the world's gaze what is believed to be a treasure house of wealth unequalled by the possessions of any other nation or of any other portion of our splendid domain.

No better illustration of this contention can be found than in the developments, actual and prospective, that have followed the surveys made in 1898 and 1899 by Captain Abercrombie up the Copper River, and of Captain Glenn up the Sushitna, and the survey of a route for a wagon road in the summer of 1904 from Valdez to Eagle City, on the Yukon. In consequence of this work so wisely inaugurated by the Government and the additional work now being done on the trail from Valdez to Fairbanks, the region south of the Yukon is rapidly becoming well known, its immense wealth demonstrated, and capital has been encouraged to eagerly seize the opportunity for gigantic returns. And more than this, the laying out of these Government trails has promoted the exploration of other avenues of entrance, through individual effort, into the southern and interior portions of Alaska. A further advantage to be derived from this reconnaissance is the information it will give concerning the intervening section of country between the crossing of the Yukon and the Seward Peninsula, known generally as the "Koyukuk district." This district is rather more isolated than the rest of Alaska, and with the difficulties of transportation and communication has made but little advance. Only the richest discoveries could be worked, but these have produced in the neighborhood of \$1,000,000; and it is known that the region of the upper Koyukuk, north of and tributary to this proposed route, embraces many hundreds of square miles of gold-bearing gravels.

The appropriation asked for in this instance is no mere experiment in the light of past results, and its expenditure will be entrusted to worthy and competent management. It will doubtless be under the control and administration of the board of road commissioners of Alaska, headed by Maj. W. P. Richardson, Ninth Infantry, its president, whom the Secretary of War has commended so highly and deservedly, and whose appearance and testimony before our committee, as well as the extent and character of his work in that region, have so fully justified all that has been said to his credit.

The governor of Alaska, in his last report, said upon this subject:

Section 2 of the act of January 27, 1905, supra, provides for a board of road commissioners, to be composed of Army officers and to be appointed by the Secretary of War. When the appointments were made, Maj. W. P. Richardson was assigned chief place. This officer had had long acquaintance in Alaska, since the winter of 1897, and his appointment to the first place was eminently proper. The board, after its organization, early in the season, went to work. They provided for the location and survey of a wagon road from the head of Chalmers Sound to Hetta Inlet, on Prince of Wales Island; for a survey of a road from Haines Mission to "Hindestacy," on the Chilkat, to Wells, with a survey of the trail from Wells to the boundary line, near Pleasant Camp; for the collection of data for a route, yet to be determined, from the head of Gastineau Channel to a point near the southern extremity of Berners Bay; for the work of relocation and improvement of the trail from Valdez to the mouth of the Gokona River, thence by way of the head of the Big Delta to the Tanana, and down that stream to Fairbanks; for such work of improvement as the funds permitted on the roads leading from the terminus of the Tanana Mines Railway, at Gilmore, to the Summit, and thence to Clary Creek, and from the Summit to Fairbanks Creek; for the preliminary reconnaissance and location of a road from Council City to the east fork of Solomon River, and a road from Nome northward by way of the head of Nome River and toward the Koukrook River.

The board received but \$28,000 from the Alaska fund. It can be seen and appreciated by those who are familiar with Alaska that the board has not been asleep. They have taken in a large part of the field, and know the places where work should be done at the earliest opportunity. They are hampered for funds. It would probably be better for Congress to estimate the probable amount for roads from the "Alaska fund" and make it available, so that the board could have it at its command during the summer, which is the best season for work. This is the right way to help Alaska. It will relieve the newcomers of much of the fearful hardships which have been endured by prospectors and miners.

The duty of the Government to bestow its favor on Alaska through the insignificant sum named in this bill—insignificant

and almost unworthy of us in view of the vast resources of that country and the returns which she has made to our national wealth, as well as to the National Treasury—will appear more pressing and obligatory when the extent of population, development, and needs of the section to be linked by the survey are studied and demonstrated. The two principal districts outside of the archipelago of southeastern Alaska are the middle Tanana and upper Yukon and the Seward Peninsula. These districts have in each about 12,000 inhabitants. The first, as has already been stated, has been developed, largely through similar expenditures to the one contemplated by this bill, from Valdez and Cook Inlet, and the second, on account of its accessibility from the coast of Bering Sea. These two districts yielded last season \$12,000,000 in gold in about equal amounts for each district. Independent of the rapid development which will follow in the intermediate region by the construction of this contemplated mail and pack trail, the Nome Peninsula on the one side and the Tanana and Yukon region on the other will become more closely joined by the bands of commercial intercourse to which the population and wealth of the regions are justly entitled, and especially will it be so by a perfect winter mail service between the country tributary to Nome and to Fairbanks.

It appeared from testimony taken before the committee that the necessity for an all-year mail service by land arose from the fact that during four months in the year the Department aims to carry the mail by steamboats in summer, either by way of Skagway or St. Michael, and thus during this period the overland trail is neglected and closed, which results in this difficulty: That from the 15th of April, when the sun begins to melt and traveling becomes difficult, and until late in June, when steamers begin to run regularly, the mail service is entirely stopped or interrupted. The same condition exists in the fall. The steamers cease running some time in September and the rivers do not freeze until late in November. Thus, every year—spring and fall—the mail service becomes interrupted. It is, therefore, claimed by those entitled to judge that if the first-class mail were carried overland all the year round, the contractor would have employment for his men and animals during the summer months and thus would be in better shape to do the work in spring and fall.

The appropriation asked for in this instance is really far below what should be given to properly do the work. The statement made by ex-Senator Turner, of Washington, before the committee showed that last year's surveys along the Alaska Central cost \$22,000. The preliminary surveys from Resurrection Bay to Fairbanks, a distance of about 436 miles, cost the original company about \$96,000, according to the testimony of Mr. W. B. Poland, the chief engineer. This great expense arises from the difficulty of taking supplies into the interior—the price of wages and the cost of maintaining it when in the field. It was further stated that the cost of surveying in Alaska was something tremendous. To equip a party of fifteen men, which is the least number required, costs about two to three thousand dollars; the running expenses will amount to \$1,800 per month, so that the total cost of a surveying party can ordinarily be stated at \$10,000 for a single season.

But the General Government, by this expenditure and much more to which she is justly entitled, will be giving for Alaska's development only a portion of what is her own. The subcommittee of the Senate Committee on Territories, upon their trip to Alaska in 1903, made a most exhaustive inquiry into conditions after visiting all the principal points in the interior and along the coast. The result was summed up in a report which, for thoroughness, can not be overestimated. The conclusion reached was, that placing Alaska's receipts from customs, internal revenues, tax on sealskins, licenses of various sorts, and other revenues of minor importance against the expenditures legitimately chargeable thereto, deducting for expenses only such items as it assumes and pays in all the Territories of the United States, where a Territorial government has been established, the account for 1903 would stand: Receipts, \$468,017.04; expenses, \$138,506.22; or a balance of \$329,510.82, which the committee stated, in their opinion, should be devoted to internal improvements, which will tend to develop the district.

In the same report it is stated that the resources of Alaska are indicated in part by the fact that since the cession she has yielded in revenues to the General Government nearly \$10,000,000, a sum greater by nearly \$1,000,000 than the entire expenditure made in her behalf. The committee further stated that up to 1903 it had been estimated that the nation had been enriched by the fur industry to the extent of \$52,000,000; that the value of the salmon taken in Alaskan fisheries had been \$50,000,000. To this may be added the output of gold, including that estimated by the Bureau of the Mint for last year at \$14,650,000, and the previous year \$9,160,500, or a total to 1906 of \$77,650,100 as the gold product of Alaska since 1880, making

a grand total of over \$180,000,000, not including the salmon fisheries and the fur industry for 1904-5 of more than \$20,000,000 additional, and not counting the profits on our trade with Alaska, which a high authority in 1904 estimated at \$25,000,000.

And yet Alaska, with this wonderful showing, is still in her infancy in point of development. In ten years more her mineral output will be five times as great as now, with her population of 60,000, as at present, grown to a quarter of a million or more.

The great, all-powerful, and pressing need of the hour for Alaska's development is the means of cheap and easy transportation. Through governmental assistance on a limited scale the slightest glimpse has but been had into the hidden wealth of this vast country of 577,000 square miles—one-sixth the area of our present domain, or almost as large as all that vast territory of the Republic east of the Mississippi River. But the moment it is possible to transport supplies from the coast into the interior at reasonable prices the cost of living will be greatly reduced, the expenses of production curtailed to limits within which mining may be made profitable in every part of the Territory, instead of a condition existing, as at present, where such expenses are so high as to render all effort at development prohibitive.

The situation with respect to means of transportation can not be better stated than as set forth in the report of the subcommittee of the Committee on Territories of the Senate, dated January 12, 1904, wherein it is said:

The condition of Alaska in her vastness is best described by the fact that outside the few and scattered settlements called towns, which are found in different parts of Alaska proper and most of which are but the centers of mining interests, there is not to be found a single public wagon road over which vehicles can be drawn summer or winter. The only approach to one is the military trail extending from Valdez, on the Pacific, to Eagle, on the Yukon, constructed by the War Department in 1899-1900. This, however, is only fit for saddle and pack animals. Transportation during the summer is conducted almost wholly on the waterways and on pack horses and during the long winter months by the use of dog teams upon trails broken out in the snow or ice for that purpose.

The development of Alaska depends more upon the improvement of transportation facilities than upon any other one instrumentality. It must be borne in mind that substantially everything consumed by the people and everything required to carry on business must be brought in from the outside. A glance at the map will clearly indicate the immense distances which have been traversed.

Nome, although situated 2,550 miles from Seattle and 2,880 miles from San Francisco, receives her supplies at fairly reasonable prices, owing to the fact that regular lines of steamships are plying between the points indicated and in competition with each other.

It is also true that all places in southeastern Alaska are well served by different lines of boats running between Seattle and Skagway, a distance of 1,000 miles, as stops are made at intermediate points.

The situation upon the Yukon and upon her great tributaries is, however, entirely different and one fraught with great hardship to the people. All goods intended for use in the entire Yukon Basin, if brought over American routes, must be taken in ocean-going vessels to St. Michael, a distance of 2,550 miles from Seattle and 2,780 from San Francisco, and there be transferred to river boats and transported against the current of the stream to the various points along the river. From St. Michael to Rampart it is 950 miles, to Circle 1,310 miles, to Eagle 1,500 miles.

When it is considered that supplies of every description must be brought in from the outside during the three or four months of open navigation and stored for future use, it can be easily understood why, with freight, interest, and insurance added to the original cost of the goods, prices should be exceedingly high. When to these prices is added the additional cost of packing goods from river points to the interior, where mining operations are going on, or having them transported during the winter months through the use of dog teams, no one will be surprised at the slow development of that great area lying south of the Yukon and west of the international boundary line.

In striking contrast with the policy pursued by our Government stands that pursued by the Dominion government in the British Yukon. Prior to the discoveries in the Klondike in 1896 and 1897 there was practically no settlement and no development in that country. But our authority, Mr. John Scudder McClain, in his books entitled "Alaska and the Klondike," written two years ago, says:

But during the last five or six years, according to Mr. S. A. D. Bertrand, territorial superintendent of public works and buildings at Dawson, there has been expended in the Yukon territory \$1,030,118 in the building of wagon roads. This represents the first cost of 875 miles of roads and winter trails, one-fourth of which is graded and surfaced wagon roads on which heavy loads may be drawn by teams of from two to ten or twelve horses, and over which it is possible now to move heavy mining machinery at any time of the year as easily as it could be done over the roads of central New York.

Since then this expenditure has been largely increased.

The method pursued in the Yukon is briefly this: The territorial government determines where roads shall be built and makes an estimate of the cost. This estimate is presented to the Dominion parliament at Ottawa, and an appropriation is made for that purpose. They do not wait in the British Yukon until the burden of settlement has been borne by the people at the great expense which the absence of passable roads implies, but whenever a discovery is made which promises to be of importance and gives evidence of permanence, engineers are sent out to survey a route for a wagon road and men are put to work

on its construction. The cost of living in the Klondike camps, taking all things into account, but crediting the reduction chiefly to good roads, has been reduced to one-fourth what it was five years before these roads were built. What this means for the development of a country can hardly be overestimated. Of course, no country can be developed where the charges of transportation run from \$2 to \$10 per ton-mile, or from \$300 to \$600 per ton, as in many portions of Alaska under the present methods of transportation, unless the mining claims were fabulously rich.

As a justification for the action of the Government in constructing trails in Alaska, we have the precedent of the work done in the Philippine Islands, which, though originally constructed as a military necessity, have now become important to the commerce of the country, and led to its opening in other directions. Our obligations to Alaska are greater than to the Philippines, and the returns will be a hundredfold more to the nation's wealth, for the moment that transportation is cheapened thousands of square miles of gravel not now workable at a profit will be gathered up to enrich the world and quicken the arteries of trade and commerce.

In the early period of excitement over the discovery of rich findings of gold in the Yukon and Nome regions the impression prevailed that Alaska was a region of placer mining, and that the population seeking her borders had no other interest in view than that of extracting her gold from the earth, shipping it to the mints, pocketing the proceeds, and then leaving the country. But further explorations and developments have given the world undoubted assurance that her mineral deposits are of an extent and value to give employment for an indefinite time, yielding adequate returns, and that the soil and climate are such as to insure a permanent white population. If these things be true, then no expenditure by the Government in aid of Alaska's development will be for only a day, but for the centuries to come.

As to her mineral wealth, the gold production alone has grown from two and a half millions in 1898 to fourteen and a half millions in 1905. In the Nome region some 5,000 square miles are known to carry gold-bearing gravels, while in the Yukon Basin the area of the same is probably several times as large. The future of Alaska is not dependent upon her placer mining, but there are large areas of gold-bearing quartz, and even the very low-grade ores are worked at a profit on an immense scale, notably the Treadwell mines on Douglas Island across from Juneau, where the ore ranges from \$2 to \$7 per ton, and where, since 1882, it is said that an aggregate of \$22,000,000, three times as great as the original cost of Alaska, have been taken from one mine alone. With railroad transportation, it is estimated that the present production of gold might just as easily be \$75,000,000 or \$100,000,000 per year, and rival the like output of South Africa, and continue it for an indefinite period.

Next in mineral importance, possibly, is her copper deposits, and it was testified before the committee that in five years there will be a production of more than eight and one-half millions' worth each year. The richest deposits are mainly in the Prince William Sound and Copper River districts, though valuable deposits are found elsewhere, where there is said to be the richest copper ore in quantity that has ever been found in the world, and the statement has been made from reliable sources that when the copper deposits of the Copper River country begin to be developed and put upon the market the mines of Butte and the Calumet and Hecla would have to go out of business.

Alaska is rich in coal, which is well distributed over the whole area. The known coal fields include about 16,000 square miles, though a conservative estimate places the coal-bearing rocks at 100,000 square miles, and fall in four groups—those of the Pacific seaboard, those of Bering Sea, those lying near the Arctic Ocean, and those of the Yukon Basin. The railroads projected from Seward, from Valdez, and from Controller Bay are designed to tap the rich coal deposits of the Matanuska and Kayak districts. It was represented before the committee that the coal deposits, of which there was knowledge only in a general way, have proven to be of as good quality as some of the highest grades of bituminous coal found in the United States and Wales. Some of it is equal to the Pocahontas coal, which is used by the United States Navy. There is sufficient now already opened up to assure a production of 15,000,000 tons of this high-grade coal, and 33,000,000 tons of medium coal, which is better than that now used on the Pacific coast and at Vancouver. The coal fields reached from Controller Bay are said to have veins varying from 3 and 4 feet up to 76 feet, with more than twenty separate and distinct veins in the field.

Every known mineral exists in Alaska, including tin in quantity, silver, petroleum, gypsum, and marble. While the first

thought concerning Alaska is her wealth in minerals, the opening of the territory through exploration work of the character contemplated by this bill will reveal her hidden wealth in all its richness and fullness. Then the settlement of the country by sturdy farmers and homesteaders will be a matter promptly following, giving to them a market for the products of their farms, with which no other country can compete. In this respect the situation of the Alaskan farmer will be unique. A market controlled by the law of supply and demand, with prices regulated by the cost of production, limited only by the margin below which it will be unprofitable for outsiders to compete; with an abundance of the finest fishes in her seas, her rivers, and her lakes, and with game everywhere in her forests and on her hills and valleys, where nature has so bountifully reared and protected it, it seems that no other country on earth is more inviting to these sturdy pioneers of brave heart and indomitable purpose to go forth and assist in the founding of an empire. [Loud applause.]

The agricultural area of Alaska is conservatively estimated at 100,000 square miles, of which 30,000 are in the great valley of the Yukon—which may be utilized for culture and grazing—10,000 in the valley of the Kuskokwim and its tributaries, 15,000 in the valley of the Sushitna and its tributaries, 15,000 in the valley of the Tanana, 15,000 in the Copper River Valley, and 15,000 along the coast region, particularly that of the Southwest.

The basis of Alaska's prosperity, like that of our own, is in her agricultural possibilities. When transportation facilities shall open her mines and when her lands are settled by a hardy race of industrious tillers of the soil, supporting themselves and those who are developing her mineral resources, then shall her permanent prosperity and her identity as an empire among the sovereign States of our Union become a recognized fact. Were it not for the hope of her agricultural future, founded upon the adaptability of her soil and climate, the region could awaken no other thought in our minds than that of one from whose rocks, rivers, and hills her minerals would be shipped only to enrich the world elsewhere, and leave the country to its icebergs, glaciers, snows, and storms, and the remnants of a rapidly disappearing race of inferior type of men and women.

The conditions in Alaska, with respect to her agriculture, have been compared with that of Finland, the southern boundary of which is on the sixtieth parallel and its area just about one-fourth that of Alaska, with agriculture, stock raising, and dairying as the occupation of her 3,000,000 people. The inquiry has therefore been made: If Finland can support 3,000,000 people under the same climatic conditions as those prevailing in Alaska and on one-fourth the area of Alaska, without the enormous mineral wealth and the wealth of the sea and her great inland rivers (for, mark you, the value of Alaska's product from her fisheries last year are said to be \$11,000,000, or nearly the equivalent of her production in gold), why is it not possible for her to support a population of two or three times that of Finland?

Will the climatic and agricultural conditions of Alaska support a population so permanent in character as to warrant expenditures on the part of the Government in the effort to afford better facilities for intercommunication, and to unify them in their social and political relations?

This question has been answered fully in a letter, dated February 17, 1906, of the Secretary of Agriculture upon Alaska's agricultural possibilities, to Mr. John E. Ballaine, who appeared before the committee, in which Secretary Wilson says:

The day will come when your railroads will get more money from carrying agricultural products and what grows out of that business than it will from carrying the products of the mines. There is a great future for Alaska along agricultural lines. The Scandinavian Peninsula has been for a thousand years of necessity an agricultural country.

On page 24 of the report of Mr. G. H. Eldridge, of the Geological Survey, submitted in 1898, he says:

In many localities in the Sushitna Valley native grasses, including the blue stem of the Northern States, grow profusely. There are rich meadows of native hay. At Tyonek rye and oats grew to full head last season, the grain having been dropped along the gravelly beach by prospectors early in May.

And these views are supported by the statements of men conversant with the region, who stand high in the social, political, and business life of the nation, showing that there are large areas of tillable and arable lands, and that the climate is more favorable in Alaska than in Norway, and that the valleys of the Matanuska, the Sushitna, and the Tanana rivers are equal in productiveness to the lands of Iowa or Ohio.

The same area in northwestern Europe that would be opened up by a thousand miles of railroad built from the coast to the interior rivers of Alaska contains a population of not less than 16,000,000, confined between latitudes of 60° and 64°, including

the southern portion of the Scandinavian Peninsula, all of Finland, and part of Russia, and farther removed, too, from the Gulf stream than towns in central Alaska are from the Japan current. Fairbanks is 350 miles inland from the Japan current, which is as much larger than the Gulf stream as the Pacific is larger than the Atlantic; and, besides, there is less effect from the cold waters of the Arctic entering the Pacific, by reason of its restricted inlet through Bering Straits, than is the case on the Atlantic side east of Greenland. And the temperature of the Pacific waters is much warmer than that of the Atlantic in the same latitudes.

As to the climate, from the middle of May until the 1st of October the average sunshine from the Pacific coast to the Tanana River is not less than eighteen hours out of the twenty-four. As a consequence of such sunshine, vegetables, grasses, and grains grow rapidly and in abundance.

On the southern coast there are few points where zero weather is ever recorded. The average winter weather at Seward, Sitka, and Juneau is milder and more even than in Washington. True, at Fairbanks they have had as low as 68° below zero, but that kind of weather continues for only a few days at a time; but then it is a very dry cold, not a breath of air stirring, the country being protected from winds by the mountain chains.

The agricultural possibilities refer specially to the Tanana Valley, which is 40 miles wide and 400 miles long; to the Copper River Valley, which is about 40 miles each way, and to the Sushitna, which is about 150 miles long by 100 miles wide. Of course, there are many other areas, though smaller, scattered over the Territory. In all these valleys below the 1,000-foot altitude grains will mature every season; above that the country is more adapted to grazing and stock raising.

The total area of the grass lands of the south Alaskan coast approximates 10,000 square miles. Nearly all of this lies between Cook Inlet and Unalaska. Of this total area, one-half at least is capable of utilization, and much of it is covered with tall and rank grasses often 6 feet high, the remainder on higher elevations furnishing splendid pasturages. In consequence it is believed that stock raising can be made a great success. The experiment station work at Sitka, Kenai, and Copper Center have demonstrated that cereals, vegetables, and fruits in great variety may be successfully grown in southern Alaska, and that thousands of acres in that region are adapted to farming.

Southeast Alaska and the Aleutian Islands are tempered by the Japan current flowing from east to west along the southern coast. North and west of the coast range the climate is healthful, invigorating, and dry. In southeast Alaska it is more mild than in other temperate regions of the same latitude.

Agricultural occupations will be confined to supplying the home markets, which, of course, are the richest markets because they are the highest priced, and from their location in that distant region they will be beyond the reach of such competition as can ever bring the prices of farm products below a fairly remunerative return. In the line of dairying, stock raising, and grain and vegetable growing there is no part of our possessions so advantageously situated for uniform and enriching prices as may be had in Alaska when transportation shall be provided and her mineral resources developed, for as to the mineral deposits they are not confined to the placers, as recent discoveries indicate that there are quartz properties of immense value. And so we might go on indefinitely to demonstrate the climatic, agricultural, and mineral advantages of Alaska, but, after all, the whole proposition of Alaska's future rests in her transportation facilities.

In this direction but little so far has been accomplished. In the whole domain there is in operation but 20 miles from Skagway to White Pass, being part of the White Pass and Yukon; 26 miles connecting Fairbanks with Chena, on the Tanana River; from Seward, on Resurrection Bay, about 20 miles operated by the Alaska Central; and in the Nome Peninsula there are about 45 miles in operation in summer; so that, besides the 45 miles on Seward Peninsula, there are 65 miles in other parts of Alaska.

In detail, the roads in operation, in process of construction, and contemplated will appear from the following memorandum furnished the honorable Secretary of War by Maj. W. P. Richardson, Ninth Infantry, president board of road commissioners of Alaska:

The railroad mileage in Alaska at present embraces the following:

1. A section 20 miles in length of the White Pass and Yukon route, from Skagway to the summit of White Pass, which is continued in Canadian territory to White Horse, and there connects with river navigation in summer and stage in winter for Dawson. No extensions of this road have been made since the summer of 1901.
2. At Valdez, preliminary work only, upon a proposed road from that point to the copper properties south of the Wrangell group of mountains, with possible extension to similar deposits reported on the Nebesna branch of the upper Tanana.

3. At Seward, Resurrection Bay, the Alaska Central Railroad (building), which reported late last season a probable completion of 50 miles by the end of 1905. The road, I understand, is heading for some point on the Tanana.

4. Tanana Mines Railway, 26 miles, constructed last season, connecting Fairbanks with Chena, on the Tanana River, and creeks in the vicinity.

5. On the Seward Peninsula (Nome district), the Nome-Arctic Railway, extending from the town of Nome something over 20 miles into the peninsula northward toward the head of Nome River and the Kongorok district.

6. The Solomon River road, from the mouth of Solomon River (35 miles east of Nome) up the said river and toward Council City, the proposed terminus, 17 miles of which are now completed.

7. The Council City and Ophir Creek road, from Council to mining claim No. 15, Ophir, about 8 miles.

Of these various roads, the Alaska Central and the Solomon River roads are standard, the others narrow gauge. The roads in the Nome district operate at present only during the summer season. The White Pass and Yukon is operated continuously and is in excellent condition for all kinds of traffic.

While Congress so far has shown no inclination to give aid to Alaska railroad building, yet it should do nothing to retard it. Our neighbors in the north, the Dominion government, realize the importance of the game they are playing in constructing the Grand Trunk Pacific along a line 300 to 400 miles north of the Canadian Pacific to its western terminus at Port Simpson, only 4 miles south of the Alaskan boundary and stretching ultimately into the Yukon Valley. The road from Skagway to White Pass in two years transferred the trade of the region tributary to it to Vancouver and to British Columbia. This new transcontinental line, with its many advantages over its American competitors, in that it will run under one management from ocean to ocean, connecting with steamers at both ends, running over level and well-traveled regions on plains adapted to wheat growing, with coal and timber near by and with the shortest route to the Orient, will be a strong competitor for the immense Alaskan trade, present and prospective, if we do not awaken to the importance of her interests. The first small thing to be done is to remove without delay the license charge of \$100 levied on each mile of operated road in the Territory, at least until the roads are completed and paying fixed charges of operation and interest on their bonded debt.

Thus far we have presented Alaska on her material side with her wealth in gold, silver, coal, and copper; in her forests of profitable timber; in the returns from her fur-bearing animals of sea and woods, and from her fisheries of salmon and whale, cod and halibut, and with her fertile valley adapted to homes for millions of freemen.

But Alaska is more. She is the home of as energetic, courageous, honorable, and liberty-loving band of pioneers as ever became the pillars of a State.

Her invigorating climate, her matchless scenery, her wonders in glaciers and rivers, in cascades and lakes, and all else, from the warming influences of the Japan current and the glories of the midnight sun, to the grandeur of her mountain peaks and the primitive solitude of her unexplored areas, stretching from the tempered waters of the south to the frozen seas of the north, all combine to make a wonderland as enchanting as elsewhere set in the realms of space.

No short-sighted policy should guide our actions in the affairs of Alaska's growth, but with an eye single to the achievements that await her we should read her future in the light of the amazing prophecy of Secretary Seward, who nearly forty years in advance of his time explored the shifting currents of commerce, and, with the vision of a seer, saw the struggle of nations for the mastery of the Pacific, when he proclaimed to the American people:

Who does not see that henceforth every year European commerce, European politics, European thoughts, and European activities, although actually gaining greater force, and European connections, although actually becoming more intimate, will nevertheless ultimately sink in importance, while the Pacific Ocean, its shores, its islands, and the vast regions beyond will become the chief theater of events in the world's "great hereafter."

[Loud applause.]

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LOAN OF NAVAL EQUIPMENT TO CERTAIN MILITARY SCHOOLS.

Mr. BRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 14975) amending chapter 863, volume 31, of the Statutes at Large.

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 863, volume 31, of the Statutes at Large, approved March 3, 1901, to authorize the Secretary of the Navy to loan naval equipment to certain military schools, and now the law in force, be, and the same is hereby, amended to read as follows:

"That the President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every twenty-five cadets in actual attendance, and such other equipment as may be spared and be deemed

adequate for instruction in elementary seamanship: *Provided*, That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least 140 cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time 150 cadets: *And provided further*, That the Secretary of the Navy shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required."

Mr. WILLIAMS. Mr. Speaker, I ask for a second for the purpose of asking the gentleman a question. How does this change existing law?

Mr. BRICK. The law as it stands allows the loan of one cutter for every fifty students. This reduces the number to twenty-five. That is the only change.

Mr. WILLIAMS. What is the reason for the change?

Mr. BRICK. The reason is that it has been found that where naval instructions have been given that one boat does not have sufficient facilities for every fifty students, but that one boat for every twenty-five students would greatly facilitate the instruction of seamanship in the schools where they have it.

Mr. WILLIAMS. Fifty students makes it too crowded.

Mr. BRICK. Too much crowded.

Mr. WILLIAMS. I withdraw the demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

TIME OF HOLDING CIRCUIT AND DISTRICT COURTS IN WEST VIRGINIA.

Mr. GAINES of West Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16386) to fix the time of holding the circuit and district court for the northern district of West Virginia.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the act of Congress approved January 22, 1901, entitled "An act to divide the State of West Virginia into two judicial districts," as relates to the time of holding the regular terms of the circuit and district courts of the United States for the northern district of West Virginia be amended so as to read as follows: "Regular terms of the circuit and district courts of the United States for the northern district of West Virginia shall begin at the following times and places in each year:

"At Wheeling, on the first Tuesday of April and third Tuesday of September; at Clarksburg, on the third Tuesday of April and first Tuesday of October; at Martinsburg, on the second Tuesday of May and third Tuesday of October; at Philippi, on the fourth Tuesday of May and first Tuesday of November. And the circuit and district courts shall be held at Parkersburg beginning on the second Tuesday of January and second Tuesday of June of each year: *Provided*, That a place for holding said courts at Philippi shall be furnished to the Government free of cost by the county of Barbour until other provision is made therefor by law."

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SITTINGS OF THE CIRCUIT AND DISTRICT COURTS IN THE SOUTHERN DISTRICT OF FLORIDA.

Mr. CLARK of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5489) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami in said district.

The Clerk read the bill, as follows:

Be it enacted, etc., That in addition to the times and places now fixed by law for the sitting of the circuit court of the United States for the southern district of Florida there shall be a session of the said circuit court in the city of Miami on the fourth Monday in April in each year hereafter.

Sec. 2. That there shall be a regular term of the district court of the United States for the southern district of Florida in the city of Miami on the fourth Monday in April in each year hereafter.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FIXING THE TIME FOR HOLDING THE CIRCUIT AND DISTRICT COURTS IN THE MIDDLE DISTRICT OF TENNESSEE.

Mr. BROWNLOW. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19150) to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the north-eastern division of the eastern district of Tennessee at Greenville, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the terms of the circuit and district courts of the United States for the middle district of Tennessee, held at Nashville, shall commence on the first Monday in May and October of each year instead of the third Monday in April and October, as now provided by law; and the terms of the circuit and district courts of the United States for the southern division of the eastern district of Tennessee, held at Chattanooga, shall commence on the first Monday in April and December of each year; and the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greenville, shall commence on the first Monday in June and November of each year; and each of said

terms at each of said places shall continue so long as the presiding judge may deem necessary.

Sec. 2. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

Sec. 3. That the clerks of said circuit and district courts for the eastern district of Tennessee may reside and keep their offices, respectively, in either the city of Knoxville, Chattanooga, or Greenville; but said clerks shall each, respectively, appoint a deputy to reside and keep their offices in each of the above-named cities other than the one in which said clerks shall respectively reside and keep their offices; that the said deputy clerks shall, in the absence of their principals, do and perform all the duties appertaining to their offices, respectively.

Sec. 4. That this act shall take effect from and after August 1, 1906, the public welfare requiring it; and that all laws and parts of laws in conflict with this act be, and are hereby, repealed.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SOLDIERS' ADDITIONAL HOMESTEAD ENTRIES, COLUMBIA INDIAN RESERVATION, WASH.

Mr. JONES of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon land embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all entries under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation in the State of Washington, heretofore made in good faith and accepted at the local land office of the land district in which said lands are situated, under and pursuant to the practice of the Department theretofore existing, are hereby ratified and confirmed, and the Secretary of the Interior is authorized to issue patents in all such cases in which patent has not already issued.

The SPEAKER. Is a second demanded?

A second not being demanded, the question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

NATURALIZATION BILL.

Mr. BONYNGE. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 15442, to suspend the rules and pass the bill with the amendments adopted by the Committee of the Whole House on the state of the Union and sundry other amendments, a copy of which I have sent to the Clerk's desk.

Mr. KELIHER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from Colorado moves to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of what is known as the "naturalization bill," and pass the same with amendments agreed to by the Committee of the Whole House and with other amendments submitted by the gentleman from Colorado. Is a second demanded?

Mr. COCKRAN. I ask for a second, Mr. Speaker.

The SPEAKER. The bill will have to be read before a second is demanded or ordered, and if there be no objection the bill will be read by the Clerk with the amendments as it is proposed to have it passed.

Mr. COCKRAN. Mr. Speaker, I object.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The bill has to be read first.

Mr. COCKRAN. Mr. Speaker, I object.

The SPEAKER. The gentleman's objection does not avail. The bill must be read, and what the Chair stated was that the bill as covered by the motion covers the original bill, the amendments agreed to by the Committee of the Whole House and the amendments offered in addition by the gentleman from Colorado. Now, the Chair said if there be no objection, instead of reading the bill in that shape it will be read as it would be with the amendments in.

Mr. COCKRAN. There is no objection to that.

The SPEAKER. The Chair hears no objection, and the Clerk will read.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. The other day when we were discussing that bill the gentleman from Colorado in charge of it asked that section 15—

Mr. BONYNGE. Thirteen is what the gentleman refers to. That is stricken out under the amendments I have sent to the Clerk's desk.

The SPEAKER. The bill will be read as covered by the motion.

The Clerk read as follows:

A bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States.

Be it enacted, etc., That the designation of the Bureau of Immigration in the Department of Commerce and Labor is hereby changed to the "Bureau of Immigration and Naturalization," which said Bureau, under the direction and control of the Secretary of Commerce and Labor, in addition to the duties now provided by law, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the said Bureau to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof.

SEC. 2. That the Secretary of Commerce and Labor shall provide the said Bureau with such additional furnished offices within the city of Washington, such books of record and facilities, and such additional assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this act upon such Bureau, fixing the compensation of such additional employees, until July 1, 1907, within the appropriations made for that purpose.

SEC. 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit and district courts now existing or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity or law and equity in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau.

SEC. 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of 18 years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: *Provided, however,* That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration.

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided,* That if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this act, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this act, be naturalized without making any declaration of intention.

SEC. 5. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned.

SEC. 6. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: *Provided,* That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith.

SEC. 7. That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States.

SEC. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: *Provided,* That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further,* That the requirements of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further,* That the requirement of section 8 shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

SEC. 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

SEC. 10. That in case the petitioner has not resided in the State, Territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States attorney for the district in which said witnesses may reside.

SEC. 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

SEC. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration

and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, wherein shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of \$25 in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such Bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States in the sum of \$50, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

SEC. 13. That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, \$1.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, \$2; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, \$2.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: *Provided*, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of \$3,000, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the clerks of courts from fees received by such clerks in naturalization proceedings. And in case the clerk of any court collects fees in excess of the sum of \$6,000 in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if, in the opinion of the said Secretary, the business of such clerk warrants such allowance.

SEC. 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition wherein such certificate was issued and the volume number and page number of the stub of such certificate.

SEC. 15. It shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those

within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

SEC. 16. That every person who falsely makes, forges, counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or knowingly aids or assists in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person or persons, shall be guilty of a felony, and a person convicted of such offense shall be punished by imprisonment for not more than ten years, or by a fine of not more than \$10,000, or by both such fine and imprisonment.

SEC. 17. That every person who engraves or causes or procures to be engraved, or assists in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship, or who sells any such plate, or who brings into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor, or other proper officer, and any person who has in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use such plate or suffer the same to be used in forging or counterfeiting any such certificate or any part thereof; and every person who prints, photographs, or in any other manner causes to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof, or who sells any such certificate, or brings the same into the United States from any foreign place, except by direction of some proper officer of the United States, or who has in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent to unlawfully use the same, shall be punished by a fine of not more than \$10,000, or by imprisonment at hard labor for not more than ten years, or by both such fine and imprisonment.

SEC. 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than \$5,000, in the discretion of the court.

SEC. 19. That every person who without lawful excuse is possessed of any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization, with intent unlawfully to use the same, shall be imprisoned at hard labor not more than five years or be fined not more than \$1,000.

SEC. 20. That any clerk or other officer of a court having power under this act to naturalize aliens who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than \$5,000, or both.

SEC. 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings, or any other person, to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than \$1,000, or by both such fine and imprisonment.

SEC. 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding \$5,000 or by imprisonment not to exceed five years.

SEC. 23. That any person who knowingly procures naturalization in violation of the provisions of this act shall be fined not more than \$5,000, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

SEC. 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this act unless the indictment is found or the information is filed within five years next after the commission of such crime.

SEC. 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may

have been committed prior to the date when this act shall go into effect the existing naturalization laws shall remain in full force and effect.

Sec. 26. That sections 2165, 2168, 2173, of the Revised Statutes of the United States of America, and section 39 of chapter 1012 of the Statutes at Large of the United States of America for the year 1903, and all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

Sec. 27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION.

(Invalid for all purposes seven years after date hereof.)

_____, ss:
I, _____, aged _____ years, occupation _____, do declare on oath (affirm) that my personal description is: Color _____, complexion _____, height _____, weight _____, color of hair _____, color of eyes _____, other visible distinctive marks _____; I was born in _____ on the _____ day of _____, A. D. _____; I now reside at _____; I emigrated to the United States of America from _____ on the vessel _____; my last foreign residence was _____ It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to _____, of which I am now a citizen (subject); I arrived at the (port) of _____, in the State (Territory or District) of _____, on or about the _____ day of _____, A. D. _____; I am not an anarchist; I am not a polygamist nor a believer in polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant) _____

Subscribed and sworn to (affirmed) before me this _____ day of _____, A. D. _____.
[L. S.] _____

(Official character of attester.)

PETITION FOR NATURALIZATION.

_____ Court of _____. In the matter of the petition of _____, to be admitted as a citizen of the United States of America.

To the _____ Court:

The petition of _____ respectfully shows:
First. My full name is _____.
Second. My place of residence is number _____ street, city of _____, State (Territory or District) of _____.
Third. My occupation is _____.
Fourth. I was born on the _____ day of _____ at _____.
Fifth. I emigrated to the United States from _____, on or about the _____ day of _____, A. D. _____, and arrived at the port of _____, in the United States, on the vessel _____.
Sixth. I declared my intention to become a citizen of the United States on the _____ day of _____ at _____, in the _____ court of _____.
Seventh. I am _____ married. My wife's name is _____. She was born in _____ and now resides at _____. I have _____ children, and the name, date, and place of birth and place of residence of each of said children is as follows: _____
Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to _____, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.
Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since _____, A. D. _____, and in the State (Territory or District) of _____ for one year at least next preceding the date of this petition, to wit, since _____ day of _____, A. D. _____.

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the _____ court of _____ at _____, and the said petition was denied by the said court for the following reasons and causes, to wit, _____, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Commerce and Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.
Dated _____

(Signature of petitioner) _____

_____, ss:
_____, being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this _____ day of _____, A. D. _____.
[L. S.] _____

Clerk of the _____ Court.

AFFIDAVIT OF WITNESSES.

_____ Court of _____. In the matter of the petition of _____, to be admitted a citizen of the United States of America.

_____, ss:
_____, occupation _____, residing at _____, and _____, occupation _____, residing at _____, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known _____, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period of _____ years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the

United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

Subscribed and sworn to before me this _____ day of _____, nineteen hundred and _____.
[L. S.] _____

(Official character of attester.)

CERTIFICATE OF NATURALIZATION.

No. _____.
Petition, volume _____, page _____.
Stub, volume _____, page _____.
(Signature of holder) _____
Description of holder: Age, _____; height, _____; color, _____; complexion, _____; color of eyes, _____; color of hair, _____; visible distinguishing marks, _____. Name, age, and place of residence of wife, _____. Names, ages, and places of residence of minor children, _____.
_____, ss:

Be it remembered, that at a _____ term of the _____ court of _____, held at _____ on the _____ day of _____, in the year of our Lord nineteen hundred and _____, who, previous to his (her) naturalization, was a citizen or subject of _____, at present residing at No. _____ street, _____ city (town), _____ State (Territory or District), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that—he was entitled to be so admitted, it was thereupon ordered by the said court that—he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the _____ day of _____, in the year of our Lord nineteen hundred and _____, and of our independence the _____.
[L. S.] _____

(Official character of attester.)

STUB OF CERTIFICATE OF NATURALIZATION.

No. of certificate, _____.
Name, _____; age, _____.
Declaration of intention, volume _____, page _____.
Petition, volume _____, page _____.
Name, age, and place of residence of wife, _____.
Names, ages, and place of residence of minor children, _____.
Date of order, volume _____, page _____.
(Signature of holder) _____

SEC. 28. That the Secretary of Commerce and Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this act. Certified copy of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this act shall be admitted in evidence equally with the originals in any and all proceedings under this act and in all cases in which the originals thereof might be inadmissible as evidence.

SEC. 29. That for the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of \$100,000 out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June 30, 1907; and the provisions of section 3679 of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

SEC. 30. That this act shall take effect and be in force from and after ninety days from the date of its passage: *Provided*, That sections 1, 2, 28, and 29 shall go into effect from and after the passage of this act.

During the reading of the bill,

Mr. BONYNGE. Mr. Speaker, there is an amendment to section 17, which I sent to the Clerk's desk, the Clerk has omitted to read. In the first two lines, "that it shall be the duty, etc."

The SPEAKER. The Clerk seems to have mislaid the amendment. Can the gentleman reproduce it?

Mr. BONYNGE. I will reproduce it if the Clerk will omit reading that section for a few moments.

The SPEAKER. The Chair was going to say without objection the Clerk will conclude the reading of the bill and then recur to the amendment, which seems to have been mislaid.

Mr. COCKRAN. Mr. Speaker, I would like to call attention to the fact that as a matter of order, under the rule adopted last night, two hours of this day's session were to be occupied by this order of business, and it seems to me that the two hours are very nearly exhausted, if not entirely so.

The SPEAKER. The gentleman would hardly interrupt the reading of a bill for the purpose of making that point, although the Chair is clearly of opinion this is in the nature of unfinished business and being commenced prior to the expiration of the two hours, and the legislative day continuing, would have to be completed.

Mr. COCKRAN. Does the Chair mean that more than two hours can be devoted to this work under this order?

The SPEAKER. The Chair believes that a matter which is pending at the expiration of the two hours—is inclined to that opinion and is pretty clearly of that opinion—that at the expiration of the two hours, under the rule, this would be considered as continuing, with twenty minutes debate if a second should be ordered, until a vote was taken.

Mr. COCKRAN. For the purpose of bringing that matter clearly before the Chair, I make the point of order now.

The SPEAKER. It is hardly apt to make the point of order; but by unanimous consent the Chair will overrule the point of order.

Mr. COCKRAN. If it requires unanimous consent to have the point overruled, one Member present would refuse.

The SPEAKER. It takes unanimous consent, the Chair supposes, to interrupt the reading of the bill.

Mr. COCKRAN. I suppose I could rise to a question of order at any time. It is not necessary to ask unanimous consent to make the point of order that under the order of business the time allotted has expired.

The SPEAKER. The Clerk will finish reading, and then the gentleman will have his opportunity to make his point.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. Is a second demanded?

Mr. COCKRAN. First, Mr. Speaker, I raise the point of order that the regular order is not the further continuance of this business.

The SPEAKER. The Chair will state: Reading from the Record:

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, the House is about to adjourn, and I ask unanimous consent that for two hours to-morrow, immediately after the reading of the Journal, it shall be in order to make motions to suspend the rules and pass bills the same as in order to-day.

The gentleman will notice that it is not that it shall be in order to make a motion to consider for two hours, but to make motions the same as to-day. Now, under the construction of the order made by unanimous consent, it seems to the Chair the usual construction would be the motion might be made within the two hours, and it would remain in the nature of unfinished business; but it would not be in order to recognize anybody or at any time after 2 o'clock to move to suspend the rules. Recognition having been given, and the motion made prior to 2 o'clock, in the opinion of the Chair the point of order is not well taken, and is therefore overruled.

Mr. COCKRAN. Would the Chair entertain an appeal from that decision? It is rather a serious precedent, and I think the House ought to be called to pass upon that. It is a precedent that may have very extended application.

The SPEAKER. One moment. While that is the construction of the Chair, and it has passed upon it, yet the Chair, even if he had the power, has no disposition to make a ruling that would prevent the House from coming to a conclusion as to the construction of the order. Does the gentleman desire to appeal from the decision of the Chair?

Mr. COCKRAN. Yes; I should like to take the sense of the House.

The SPEAKER. From which decision, overruling the point of order, the gentleman from New York appeals?

Mr. PAYNE. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from New York moves to lay the appeal on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. COCKRAN. Division, Mr. Speaker.

The House divided; and there were—ayes 155, noes 37.

So the appeal was laid on the table.

The SPEAKER. Is a second demanded?

Mr. COCKRAN. I demand a second.

Mr. BONYNGE. I ask unanimous consent that a second may be considered as ordered.

Mr. COCKRAN. I object.

The SPEAKER. The gentleman from Colorado and the gentleman from New York will take their places as tellers.

The House divided; and the tellers reported—ayes 126, noes 17.

Mr. COCKRAN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count.

Mr. COCKRAN. I withdraw the point of no quorum, Mr. Speaker.

The SPEAKER. The point of no quorum is withdrawn.

Mr. TALBOTT. Mr. Speaker, the bill as reported to the House by the gentleman did not provide that a certified copy of the original naturalization papers should take the place of the original papers, and the chairman of the committee thought that that was provided for by an amendment. I would like to have that amendment read.

The SPEAKER. That is in the nature of debate.

Mr. TALBOTT. I would like to have that amendment reported.

The SPEAKER. The amendment can be reported by unanimous consent.

Mr. TALBOTT. Well, then, I ask unanimous consent, because it is very important.

The Clerk read as follows:

Insert after line 9, part of section 28: "Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any or all of the provisions of this act shall be admitted in evidence equally with the originals in any and all proceedings under this act, and in all cases in which the originals thereof might be admissible as evidence."

The SPEAKER. The gentleman from Colorado is entitled to twenty minutes, and the gentleman from New York is entitled to twenty minutes.

Mr. BONYNGE. Mr. Speaker, this motion is to pass the bill H. R. 15442, with all the amendments adopted by the Committee of the Whole during its consideration by the committee and with certain other amendments which I have had read from the Clerk's desk during the reading of the bill.

Mr. KELIHER. Mr. Speaker, in the confusion that attended the reading of this portion of the bill, it was not quite clear to me whether an amendment which I offered reducing the aggregate naturalization fee from \$11, as originally reported, to \$5 was included or not. It was agreed that my amendment was to be accepted. I desire to ask now if that amendment is incorporated in the bill?

Mr. BONYNGE. That amendment is incorporated in the bill, so that the total fee for naturalization under this bill, if it passes, will be \$5.

Mr. KEIFER. While the gentleman is answering questions, I simply want the House to understand what became of section 13—the one that undertook to make provision for an appeal?

Mr. BONYNGE. That was stricken out altogether in the bill, as reported from the Clerk's desk. It does not contain that section at all.

Mr. KEIFER. It contains no provision for an appeal?

Mr. BONYNGE. It does not. Now, I will yield to the gentleman from Maryland.

Mr. TALBOTT. Mr. Speaker, I only want the amendment which I called the gentleman's attention to, and which the gentleman says he has inserted in the bill, to do what I think ought to be done, and that is to make a copy of the certificate of naturalization in case the original is lost, take the place of the original for the purpose of registration and voting. I do not believe that is accomplished by the gentleman's amendment. The idea of naturalization is for two purposes: One is to be able to own property in fee, and the other is to exercise the right of the franchise.

Mr. BONYNGE. Mr. Speaker, the amendment which I sent to the Clerk's desk provides that certified copies of all papers, documents, certificates, and records which are required to be kept or used or filed or recorded can be used and admitted in evidence in any and all proceedings under this bill with the same force and effect equally as the originals, and in all cases where the originals could be used the certified copies may be used with the same force as the originals.

Mr. TALBOTT. If you style the right to register and vote under this act a "proceeding," that might cover it, but I do not believe it does.

Mr. BONYNGE. I think that proposition is fully covered, and it is also covered by the general statutes.

Mr. TALBOTT. The general statute does not cover it.

Mr. KELIHER. Under the provisions of this revised bill, what will be the charge to an applicant who has filed his declaration of intention prior to the passage of this law and who wishes to get his final papers?

Mr. BONYNGE. Four dollars.

Mr. KELIHER. Will he be charged the fees fixed by the new bill or the fee in operation when he filed his declaration?

Mr. BONYNGE. He will be charged \$4, two when he files his application and two when he gets the certificate.

Mr. KELIHER. I should like to ask the gentleman further if he thinks it is fair to an applicant who has already filed his declaration under the old law, which required him to pay a certain fee, to compel him when he gets his final papers to pay a fee which has been greatly increased since he filed his declaration?

Mr. BONYNGE. I do not think that is a hardship on him any more than it is on those who shall come in later. I think it is well worth the \$4 he will have to pay. It is very cheap at that price. I think everybody who appreciates American citizenship will willingly pay the price.

Now, Mr. Speaker, in Committee of the Whole all the essential features of this bill were fully discussed, while the

bill was open to amendment, excepting two provisions. One is the provision in reference to fees, which we have reduced to \$5, and which I think will meet with the unanimous approval of the members of the committee.

The other essential feature of the bill which was not discussed in Committee of the Whole was that which provides for the cancellation of certificates fraudulently obtained. With the exception of those two provisions, the rest of the bill deals simply with naturalization frauds, prescribing punishment for frauds and crimes that may be committed in naturalization proceedings and providing forms to be used in such proceedings.

In the amendments that we have sent to the Clerk's desk was also included an amendment proposed by the gentleman from Indiana [Mr. CRUMPACKER] which provides that if an alien, after receiving a certificate of naturalization, goes to his former country within five years and remains there permanently, taking up a permanent residence, it shall be construed as prima facie evidence that he did not intend to reside permanently in the United States at the time he made his application, and then it provides for proceedings for the cancellation of a certificate obtained under such circumstances.

Mr. FITZGERALD. Has the gentleman suggested any amendment to section 17, providing for the cancellation of certificates?

Mr. BONYNGE. Yes.

Mr. FITZGERALD. Will the gentleman explain the amendment?

Mr. BONYNGE. Yes; in section 17, as it was originally reported, it was provided that the United States should, upon affidavit made by any credible person, have the power to institute proceedings, either in the court out of which the certificate might have issued, or in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside.

That portion has been changed so that it reads:

That it shall be the duty of the United States district attorneys in the respective districts, upon an affidavit showing good cause therefor, made by any credible person, to institute proceedings in any court having jurisdiction to naturalize aliens, in the judicial district in which the naturalized citizen may reside, and takes away the right to institute it in the court out of which the certificate of citizenship may have been issued, unless the alien happens to reside within the jurisdiction of that court. In other words, the proceedings must be brought in a court having power to issue certificates of naturalization in the district in which the person resides whose certificate is sought to be canceled.

Mr. FITZGERALD. The original section provided that this proceeding might be brought for fraud or for illegality in the issuance of the certificate.

Mr. BONYNGE. Yes.

Mr. FITZGERALD. Are those two clauses retained?

Mr. BONYNGE. They remain, and under existing law it can be done now, as decided by the Federal courts.

Mr. LOUDENSLAGER. After the naturalization has been perfected in this country, how long a residence abroad does it require before it is concluded to be indicative that the naturalized person does not longer desire to be a citizen?

Mr. BONYNGE. I will ask the gentleman from Indiana [Mr. CRUMPACKER], who prepared that amendment, to answer that question.

Mr. CRUMPACKER. What is the question?

Mr. LOUDENSLAGER. What residence abroad, after naturalization, is permitted in this bill?

Mr. CRUMPACKER. Whenever an alien secures naturalization under this law, and within five years after leaves for a foreign country and becomes a permanent resident there—

Mr. LOUDENSLAGER. What constitutes permanent residence?

Mr. CRUMPACKER. That is a question of law. If he takes up a permanent home, with the intention of remaining there permanently and not returning to the United States—

Mr. LOUDENSLAGER. Does not the gentleman think it would be better to fix the time that he may be permitted to remain in that country?

Mr. CRUMPACKER. Oh, no; because many people will remain there indefinitely on business or for health, or for one purpose or another, and yet have no intention of giving up their home here; but if an alien comes here and remains only long enough to secure naturalization, and then takes his certificate and secures a passport and returns to the country of his origin or to another foreign country, and takes up a permanent domicile there, with no intention of returning to the United States, practically expatriating himself, that ought to be prima facie evidence.

Mr. LOUDENSLAGER. Does not the gentleman consider that those men who go abroad and engage in business and stay there have a permanent residence there?

Mr. CRUMPACKER. Oh, no; not necessarily.

Mr. LOUDENSLAGER. Why not?

Mr. CRUMPACKER. It depends on circumstances. If it is an American, he may be there for the purpose of engaging in business.

Mr. BONYNGE. An American citizen, either naturalized or native.

Mr. CRUMPACKER. Either naturalized or native.

Mr. LOUDENSLAGER. I am speaking of the naturalized ones only.

Mr. CRUMPACKER. Residence is largely a question of intention, and it can not be defined in any bill. It is, as I say, largely a question of intent.

Mr. LOUDENSLAGER. How can a permanent residence ever be determined?

Mr. CRUMPACKER. Take, for instance, our consular or diplomatic representatives in foreign countries. When a native of Turkey stays here long enough to get citizenship and a passport, goes back to Turkey and identifies himself with Turkish civilization, erects a home and goes into business, and leaves nothing here to come back to, that would be good evidence of a permanent citizenship abroad.

Mr. LOUDENSLAGER. I think it ought to be limited.

Mr. BONYNGE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has nine minutes.

Mr. SHERLEY. As I understand the gentleman, the amendment which I suggested to him in regard to the court in which the petition could be filed for the purpose of cancellation of the certificate has been accepted by the committee, and an amendment offered limiting it to the court in the district in which the person at the time resides.

Mr. BONYNGE. Yes.

Mr. SHERLEY. Has any amendment been offered cutting out the provision for constructive notice?

Mr. BONYNGE. No; the gentleman made the suggestion and thought there was some question in regard to the legality of the provision as reported in the bill. My opinion is, after such investigation as I have been able to give the subject, that the provision is constitutional and legal.

Mr. SHERLEY. If the gentleman will permit me, in my State the right of an alien to hold property is greatly restricted. Under your provision canceling a man's citizenship you may upset land titles in a good many States in the Union, and I doubt the wisdom of doing it on constructive notice. I offer that as a suggestion for the gentleman's consideration.

Mr. McNARY. Mr. Speaker, I desire to ask the gentleman a question. In the rapidity of the reading, my attention being distracted, I did not catch fully the reading of the bill. I want to know whether any change has been made in regard to the jurisdiction of the courts or whether or not they remain giving the jurisdiction to courts in which there is a limited jurisdiction.

Mr. BONYNGE. No; we adopted the amendment approved by the Committee of the Whole.

Mr. McNARY. Just what is that?

Mr. BONYNGE. It leaves it as it is to courts having unlimited jurisdiction in actions at law or equity or actions at law and equity.

Mr. McNARY. The only objection I have to the bill is that.

Mr. BONYNGE. Mr. Speaker, I reserve the balance of my time.

Mr. COCKRAN. Mr. Speaker, I will yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I would like to call the attention of the House a moment to an amendment that ought to be added to this bill, and I will ask the Clerk to read it in my time. Perhaps when the House understands it they will give unanimous consent to its insertion.

The Clerk read as follows:

Amend the bill by inserting at the end of section 8 as amended the following:

"Provided further, That the requirements of section 8 shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands."

Mr. LACEY. Now, Mr. Speaker, I would like the attention of the House for a moment. I ask unanimous consent that this amendment may be considered as included in the bill, and I will explain the reason for it. An alien now has to file his declaration of intention before he takes a homestead. A Scandinavian that goes out into the backwoods of Michigan, Wisconsin, and Minnesota, and files his declaration for a homestead must prove up within seven years or forfeit his rights. He sees nobody but his wife and children, and he does not hear any language spoken except Scandinavian. He is worth a thousand of the men that can speak forty languages and write in forty

languages who live in the slums. He has had no opportunity to learn the English language, but he has made the best proof of his worthiness of citizenship by taking a homestead and building and living upon it for seven years. Now, unless he has learned to speak the language by that time he can not prove up; consequently he loses his home. Now, that is not the object of this bill. I thought it was my duty to call attention of the Members to the provision of the land laws, and I do not think it was the intention of this committee or the intention of the House to cut these men out. I ask unanimous consent that it be included.

Mr. BONYNGE. I have no objection. It is a good amendment, and I shall be glad to see it incorporated in the bill. It meets with my full approval. We want to help such people.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. COCKRAN. Do I understand that the amendment is accepted?

Mr. BONYNGE. Yes.

Mr. COCKRAN. I am glad the chairman of the committee has made that concession. It is certainly a valuable amendment. At every stage of its consideration in committee this bill was improved so largely and decisively that my main object in opposing this unusual haste is a belief that with two days more to work on it we might have made it into a perfect measure. Mr. Speaker, my principal objection is to section 9; but I consider the whole bill objectionable, because no necessity for it has ever been shown, and any proposal of law for which there is no obvious necessity is, in my judgment, a vicious proposal.

Mr. GRAHAM. Will the gentleman allow me?

Mr. COCKRAN. Certainly.

Mr. GRAHAM. I will point out what I think to be an existing fact—that to-day there are thousands of men holding naturalization certificates and claiming to be citizens of the United States residing in Jerusalem and Palestine who have no intention of coming back whatever. They came here and got a certificate, and then went back to their land and went into business there. Now, this bill will prevent that.

Mr. COCKRAN. Mr. Speaker, assuming that to be true, I still think the bill is absolutely unnecessary, and therefore vicious. Worse, much worse than the man who asks for naturalization and obtains it as a shield and panoply abroad, is he who born to American citizenship forfeits it, renounces it deliberately while still enjoying the protection of our laws for vast possessions inside our boundaries, and who while enjoying such protection despises privileges and evades obligations which are rightfully his. Not a line of this measure touches that man, the protection of whose property is an actual burden to us, while it changes our whole system of naturalization in order to reach a few men who have neither burdened nor harmed us.

Mr. Speaker, this bill, as it was originally reported, embraced provisions which have been eliminated in Committee of the Whole, and they were the most objectionable. In addition to reading and writing his own language, it required that the immigrant be able to read and speak the English tongue. As the vast majority of immigrants are ignorant of English, this meant that in almost every instance the applicant for naturalization must be master of two languages. That provision was changed in committee, so that no qualification is now imposed except ability to speak English. That was a great improvement, but even the requirement that remains is objectionable. It was justified on the ground that every person who lived here for five years would inevitably acquire a knowledge of the English language anyway, and that the provision was therefore of little significance. It was left in the bill, I suppose—to use a colloquialism—to save the face of the Committee on Naturalization.

Now, I learn from gentlemen around me here that in many parts of this country there are vast numbers of men, excellent laborers, excellent producers, excellent inhabitants, peaceful, orderly, highly intelligent, but who can not speak the English language and who are not likely to be able to acquire it. Gentlemen opposite seem to assume that it is a very easy thing to acquire a language. I would like to know how a man compelled to work all day in association with men born in the same country, under the direction of a foreman who speaks his tongue, can enjoy an opportunity of acquiring a new language? How many of us here who have served four years with even the amount of work imposed upon us by our Congressional duties have found time to acquire a new language? Since aliens who do not speak English will continue to be admitted at our ports, the net result of this bill as it stands will be that a large number of persons will be added every year to

our population who must remain excluded forever from citizenship.

I consider such a deliberate creation of a large alien class in the heart of our population a vicious departure from the liberal and distinctively American policy of a century which up to the present has been fruitful of nothing but benefit. When we ask why this radical change is attempted the gentleman gives as the only reason the possible existence of some men in Jerusalem who claim American citizenship and yet who do not live in America. Well, even if that be true, it is not a very serious injury to us. I do not know that those men living in Jerusalem have ever raised any particular complication which the United States Government has been called upon to meet, and I do know that to provide for a constantly swelling addition to our population of persons who can not be admitted to citizenship is a positive and serious danger.

Now, I would ask any gentleman here, What harm can come from the admission to citizenship of a man who has shown by five years' residence in the country that he can support himself by his own labor? I am perfectly willing to withdraw opposition to this bill—I would be the first to encourage its passage—if, instead of imposing a ridiculous linguistic qualification, it provided that no man could be naturalized who did not prove conclusively that for five years he had supported himself by honest productive industry, and that he was capable of continuing to earn his bread by his own toil. Propose an industrial qualification and no man on this floor will object to it. The country will then be entirely secure from undesirable additions to its citizenship, for it is hardly conceivable that a man who has actually lived by work for five years would be likely to seek a livelihood by less creditable means.

I think it infinitely better for the country that every recruit to citizenship should be able to work in one language than that he be able to speak in a dozen. [Applause.] Ability to speak any tongue is no proof of the qualifications really essential to useful citizenship. A man may have a capacity for speaking ten languages and yet be good for nothing except to swell the volume of our political disputations. He can't exercise two hands in labor without enriching the whole community. Mr. Speaker, I submit to this House that we have in this country abundance of linguistic ability. If we lack anything, it is a supply of labor. This bill, so far as it may have any effect, will operate to exclude laborers from our citizenship, and if you do that you furnish a strong argument for shutting them out of your population. This, sir, I should deplore as a grave calamity, for I consider that stream of labor flowing through our ports every year the most fruitful and reliable fountain of all our prosperity.

Mr. STEENERSON. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman now.

Mr. STEENERSON. I would like to ask the gentleman from New York—beginning at section 5 it says "that an alien may be admitted to become a citizen of the United States in the following manner and not otherwise," and at the end of the bill is a clause which repeals all acts inconsistent with the foregoing act. Now, I would like to ask the gentleman whether or not that does not repeal section 2172 of the Revised Statutes, which provides—

Mr. COCKRAN. Mr. Speaker, I can not undertake to answer the gentleman. The gentleman must know my objection to legal disquisitions in a legislative body. Moreover, I have not the statute before me. I can not stop now to examine it, and I certainly do not want to speak of it before examination.

Mr. STEENERSON. I was going to suggest—

The SPEAKER. The gentleman declines to yield.

Mr. COCKRAN. I merely desire to add, Mr. Speaker, in closing, that before the establishment of this Republic there never was a democratic system able to maintain itself in vigor without a large number of inhabitants occupying a status inferior to that of citizen. Even here, sir, absolute equality of rights is of recent establishment. We have established equality, and we are maintaining it triumphantly; but how have we succeeded in doing it? Because these immigrants, hastening here in such numbers, have been to us what the Helots were to ancient Sparta. The Helots of old won admission to Spartan citizenship by service in the field of battle. These immigrants for the last sixty years have been winning for themselves and their children admission to our citizenship by service in the field of industry.

The effect of this bill will be to substitute for service in the field of industry, as the condition of naturalization, knowledge of a language, a mere facility or glibness of speech, which is not necessarily proof of merit in its possessor and of no possible advantage to the community of which he is a part. I ask

this House not to change our system of naturalization from the foundations on which it has rested securely—gloriously—for the past century. For a hundred years we have prospered beyond all experience or parallel. No damage has ever come to us through the liberality of our naturalization laws. Gentlemen eager to suggest a danger have been compelled to locate it in Jerusalem. I can assure them the effect of this legislation will be to establish a real peril closer home.

If we must choose between dangers, those on the other side of the globe are certainly the least formidable. Do not let us seek to remove them by sacrificing or overthrowing conditions under which our own prosperity has been enormous, while at the same time we have improved decisively the conditions of men all over the world. For one hundred years the prospect of admission to this citizenship has been the mainspring of progress everywhere. It has been a light and inspiration to every ambitious youth wherever in Christendom he may have been born. It has encouraged him to improve the productive power of his hands that when they were trained to efficiency they might be employed here to increase his earnings and at the same time win for him the dignity of American citizenship.

Under its influence Europe has been to us a nursery where laborers essential to the cultivation of our soil have been reared and developed without any expense or trouble to ourselves. While they were of tender years, helpless, of no productive power, these men have been nurtured and supported that when they reached years of vigor and efficiency they might come here and produce each one much more than he consumed, the difference between his own wages and the value of his product being the amount of his contribution to the wealth of the country. Every man who came here through all these years and engaged in productive labor has been therefore a fountain of abundance. The gentleman from Colorado now seeks to discourage this beneficent tide by making naturalization difficult, if not impossible, to many—the vast majority—of those men who, by the very act of coming here, prove their attachment to our institutions, their love of our soil, their eagerness to bear the burdens as well as to acquire the privileges of citizenship.

I protest, Mr. Speaker, against a senseless change in this beneficent system of naturalization which has wrought such great benefit to this country and has shed such a brilliant light of encouragement before the footsteps of men throughout the world. Though no one else should oppose it, I, at least, shall ask to be counted against this bill while that provision remains a feature of it. [Loud applause.]

Mr. BONYNGE. How much time is there left to the other side?

The SPEAKER. There is four minutes remaining.

Mr. BONYNGE. I desire to conclude in one speech, and I suggest that the gentleman use the four minutes now.

Mr. COCKRAN. I do not care to add anything, and nobody else asked for time.

Mr. PUJO rose.

Mr. COCKRAN. I beg the gentleman's pardon. I yield four minutes to the gentleman from Louisiana.

The SPEAKER. The gentleman is recognized for four minutes.

Mr. PUJO. Mr. Speaker, I desire to have read an amendment for the consideration of the chairman of the committee and likewise of the House, with the hope that it may be accepted.

The SPEAKER. The amendment will be read as a part of the gentleman's remarks.

The Clerk read as follows:

Mr. PUJO moves to amend section 17, page 16, by striking out, in lines 22, 23, and 24, the words "by publication" and inserting in line 24 in lieu of the words "by publication" the words "on absentees."

Mr. PUJO. This paragraph in section 17, Mr. Speaker—I beg the attention of the chairman of the committee—if amended as suggested will read:

And if the holder of such certificate be absent from the United States, or from the district in which he last had his residence, such notice shall be given in the manner provided for the service of summons on absentees by the laws of the State or the place where such suit is brought.

Now, I will state that the reason for offering this amendment is that this section provides a different method of citation to an absentee than is authorized by law in some of the States. To illustrate, suppose a suit were instituted against an absentee by the Government of the United States to cancel his certificate of naturalization praying for judgment in that behalf. The suit would be of great importance at least to the party in interest. Now, under the provisions of this measure, notice would be by publication in one of the newspapers of the State. No such method of citation would be recognized under the laws of Louisiana.

Mr. BONYNGE. What is the process in Louisiana?

Mr. PUJO. The process is this: An attorney to represent the absentee must be appointed by the court, and all process of court shall be served on him. It is made the duty of such curator ad hoc, or the attorney for the absentee, to correspond with the absent defendant and to advise him of the pendency of the action, so that he may instruct the attorney appointed to represent him or select counsel of his choice to resist the suit which has been brought against him. Now, the amendment which I have offered perfects the bill, and I again invite the attention of the House, and likewise the attention of the chairman of the committee, to this fact.

Mr. BONYNGE. I think we can cover the amendment and meet the conditions suggested by the gentleman.

Mr. PUJO. If the result is accomplished, I am willing to accept the gentleman's suggestion, but I think the amendment which I have suggested would cover the case perfectly. Under my amendment, in the States where publication is required, publication will be had, and in States where citation must be served upon a curator ad hoc, or counsel for the absentee, it will thus be authorized.

Mr. BONYNGE. It will be covered by inserting, after the word "publication," in line 24, the words "or upon absentees." I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on suspending the rules and passing the bill, with the amendments offered by the gentleman from Iowa [Mr. LACEY], by unanimous consent, and the amendment offered by the gentleman from Colorado, which latter amendment will be reported by the Clerk.

The Clerk read as follows:

Insert after the word "publication," in line 24, the words "or upon absentees."

The SPEAKER. Is there unanimous consent that that amendment may be covered by the motion?

There was no objection.

The question was taken; and, two-thirds voting in the affirmative, the rules were suspended and the bill as amended was passed.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I desire to call up the conference report on the Army appropriation bill.

The SPEAKER. The gentleman from Iowa calls up the conference report on the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14397) making appropriation for the support of the Army for the fiscal year ending June 30, 1907, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 7, 27, 28, 30, 41, 44, 62, 63, 64, 65, 66, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 67, 68, 69, 70, 71, 72, 74, and 75; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the amount proposed in the said amendment insert "one million dollars;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Provided, That no part of this appropriation shall be applied to the payment of the expense of using transports in any other Government work than the transportation of the Army, Navy, and Marine Corps and their supplies; and, when in the opinion of the Secretary of War accommodations are available, transportation may be provided for the families and employees of officers and men of the Army, Navy, and Marine Corps, and members of the Philippine government and families, and their employees and families;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: After the word "dollars," in said amendment, strike out the period and insert in lieu thereof a colon, followed by the words: "Provided, That if in the opinion of the Secretary of War said reservation is no longer needed for the purposes for which it was originally acquired, he may, in his discretion, in lieu of expending the said five thousand dollars, sell and convey the lands in said reservation;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "ten" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In the last line of the said amendment strike out the word "thirty" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

J. A. T. HULL,

A. B. CAPRON,

WM. SULZER,

Managers on the part of the House.

F. E. WARREN,

J. B. FORAKER,

JO. C. S. BLACKBURN,

Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT OF THE HOUSE CONFEREES.

Amendment No. 1 relates to expenses of the Army War College; and the Senate recedes.

Amendment No. 2 was simply punctuation; and the House recedes.

Amendment No. 3 relates to the extension of the Alaska cable and telegraph system; and the House recedes.

Amendment No. 4 relates to the construction of a new submarine cable from Key West, Fla.; and the Senate recedes.

Amendment No. 5 authorizes and makes legal assignment of pay by officers of the Army; and the House recedes.

Amendment No. 6 relates to the amount of pay of officers for length of service; and the House recedes, and agrees to the Senate amendment with an amendment fixing the amount at \$1,000,000.

Amendment No. 7 relates to pay for length of service of the Ordnance Department; and the Senate recedes.

Amendments Nos. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 all relate to clerks and messengers at headquarters of divisions and departments and office of the Chief of Staff and at New War College. These provisions all went out in the House on a point of order and were reinstated in the Senate; to all of which the House recedes.

Amendment No. 26 relates to pay of the Adjutant-General of the Army; and as that office has ceased since the passage of the bill through the House the House recedes.

Amendment No. 27 provides for additional grade to officers who served during the civil war and now hold the rank of brigadier-general on the active list, for an additional grade on their retirement; and the Senate recedes.

Amendment No. 28 refers to pay of paymasters' clerks; and the Senate recedes.

Amendment No. 29 refers to pay of paymasters' messengers; and the House recedes.

Amendment No. 30 relates to pay for clothing due enlisted men on discharge; and the Senate recedes.

Amendment No. 31 relates to payment of interest on soldiers' deposits and makes clear what Congress has been doing for many years, reenacting sections 1305 and 1308 of the Revised Statutes; and the House recedes.

Amendment No. 32 provides for extra pay to enlisted men employed on extra duty; and the House recedes.

Amendment No. 33 increases the mileage allowances \$50,000; and the House recedes.

Amendment No. 34 provides for payment of mileage of retired officers who have been traveling on orders; and the House recedes.

Amendment No. 35 is the limitation to prevent extra payment to officers at port of embarkation.

Amendment No. 36 includes the Hawaiian Archipelago with the Philippine Archipelago under pay of officers.

Amendments Nos. 37 and 38 strikes out the House provision,

for the payment of additional compensation of officers serving beyond the limits of the United States; and amendments 39 and 40 change the language of the House provision, so as to comply with the law, as the Comptroller of Currency now holds should be done to make the law effective; and the House recedes from its disagreement to all four amendments.

Amendment No. 41 provides for longer period of enlistment for the Porto Rico Regiment; and the Senate recedes.

Amendment No. 42 simply gives to any commissioned officer of the Regular Army, who may have been commissioned in the Philippine Scouts, credit for his service in the scouts; and the House recedes.

Amendment No. 32 simplifies the payment of the militia participating in annual maneuvers; and the House recedes.

Amendment No. 44 provides for the Commissary Department furnishing cooking apparatus in the field and as it is already provided for under the Quartermaster's Department; and the Senate recedes.

Amendment No. 45 relates to the commutation of rations and includes the Nurse Corps with the sick of the Army; and the House recedes.

Amendment No. 46 is striking out the provision of the House on the question of commutation of rations; and the House recedes.

Amendment No. 47 provides \$900 as prizes for enlisted men of the Army and graduates from Army schools for bakers and cooks; and the House recedes.

Amendment No. 48 is simply a reference to the totals; and the House recedes.

Amendment No. 49 provides for an increased amount of fuel to officers under certain cases at the rate now prescribed by regulation; and the House recedes.

Amendment No. 50 simply makes a proviso, "Provided further;" and the House recedes.

Amendment No. 51 authorizes the use of a part of the Fort Keogh Reservation in Montana for experimental horse breeding; and the House recedes.

Amendment No. 52 provides for furniture of such public rooms of officers' mess at military posts as may be approved by the Secretary of War; and the House recedes.

Amendment No. 53 is an increase of the provision for barracks and quarters; and the House recedes.

Amendment No. 54 is a provision authorizing the Secretary of War, in his discretion, to use a certain part of the appropriation for the support of the Army for the fiscal year ending June 30, 1906, in the purchase of land for the post at Fort Sam Houston, Tex.; and the House recedes.

Amendment No. 55 is simply a change of the totals; and the House recedes.

Amendment No. 56: The House recedes from its disagreement to the Senate amendment, and agrees to the same with the amendment which authorizes, in the discretion of the Secretary of War, the transportation of families and employees of officers and men of the Army and Marine Corps, and also members of the Philippine government and employees and families; and the House recedes.

Amendment No. 57 provides for construction and maintenance of military and post roads, etc., in the district of Alaska; and the House recedes.

Amendment No. 58 relates to barracks and quarters in the Philippine Islands; and the House recedes.

Amendment No. 59 increases the amount for construction and repair of hospitals and directs certain sums to be expended in the erection of hospitals at certain posts; and the House recedes.

Amendment No. 60 strikes out of the bill authorization for the Medical Department to purchase in open market; and the House recedes from its disagreement, for the reason that the same is covered in another part of the bill.

Amendment No. 61 provides for a chaplain for the Corps of Engineers; and the House recedes.

Amendment No. 62 changes the language only; and the Senate recedes.

Amendment No. 63 relates to the manufacturing and purchase of ammunition; and the Senate recedes.

Amendment No. 64 relates to small-arms target practice; and the Senate recedes.

Amendment No. 65 relates to ordnance stores and supplies; and the Senate recedes.

Amendment No. 66 changes the totals; and the Senate recedes.

Amendment No. 67 relates to increasing the facilities of Benicia Arsenal, Cal.; and the House recedes.

Amendment No. 68 authorizes the establishment of a general depot of supplies at Fort Mason, Cal.; and the House recedes.

Amendment No. 69 provides for payment of actual expenses of the national board for promotion of rifle practice; and the House recedes.

Amendment No. 70 requires prompt reports to the Secretary of War of all supplies for more than \$100 for all branches of the Army service and the amount expended; and the House recedes.

Amendment No. 71 strikes out the language of the House, of appropriating \$5,000 for preserving the battlefield of Balls Bluff; and the House recedes.

Amendment No. 72 makes the same appropriation for the same purpose as in the House, and is simply a change of language; and the House recedes.

Amendment No. 73 is a provision of \$5,000 for fencing, protecting, and maintaining the Government reservation at Nahant, Mass.; and the House recedes from its disagreement and agrees to the same with the proviso authorizing the Secretary of War to sell said reservation in lieu of expending the amount for its improvement.

Amendment No. 74 authorizes an appropriation of \$15,000 to enable the public to enter the national cemetery near Salisbury, N. C.

Amendment No. 75 authorizes the Secretary of the Treasury to expend the sum of \$5,000 for repairing the monument already erected on Moores Creek battlefield and for beautifying the same; and the House recedes.

Amendment No. 76 authorizes the Secretary of War to accept a tract of land where Andrew Johnson's remains now lie. The House recedes from its disagreement and agrees to the same with an amendment by making the amount of land 15 acres in place of 10.

Amendment No. 77 relates to granting to the University of Utah certain land within Fort Douglas Military Reservation. As an independent bill has passed both Houses since the appropriation bill passed the House, there is no necessity for a provision; and the Senate recedes.

Amendment No. 78 provides for improvement of the national boulevard owned by the United States leading to the national cemetery at Fredericksburg, Va.; and the House recedes from its disagreement and agrees to the amendment of the Senate by striking out the word "thirty" and inserting "ten."

J. A. T. HULL,
ADIN B. CAPRON,
WM. SULZER,

Conferees on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the House disagree to all the Senate amendments to the bill H. R. 18030, the Military Academy appropriation bill, and that a conference be asked with the Senate.

The SPEAKER. Is the bill reported from the Committee on Military Affairs?

Mr. HULL. The committee have unanimously instructed me to make this request.

The SPEAKER. The gentleman from Iowa asks unanimous consent to nonconcur in the Senate amendments to the Military Academy appropriation bill (H. R. 18030), and to ask a conference with the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. HULL, Mr. PARKER, and Mr. SLAYDEN.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 18236) granting an increase of pension to Thomas Garrett, the beneficiary having died.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bills and joint resolution of the following titles:

S. 333. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating \$30,000 therefor;

S. 4370. An act to appropriate the sum of \$40,000 as a part contribution toward the erection of a monument at Province-

town, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact; and

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section.

ADDITIONAL AIDS TO NAVIGATION.

Mr. MANN. Mr. Speaker, I ask to take from the Speaker's table the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill (H. R. 19432), to disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. MANN, Mr. STEVENS of Minnesota, and Mr. ADAMSON.

BENJAMIN F. GRAHAM.

The SPEAKER laid before the House the bill (H. R. 11543) to correct the military record of Benjamin F. Graham, with Senate amendments, the first of which had heretofore been agreed to.

The question being taken on the second and third amendments of the Senate, they were agreed to.

ROBERT W. LIGGETT.

The SPEAKER also laid before the House the bill H. R. 13917) to remove the charge of desertion from the military record of Robert W. Liggett, with Senate amendments thereto.

Mr. CAPRON. I move that the House concur in the Senate amendments.

The motion was agreed to.

BURIAL GROUND OF ANDREW JOHNSON.

Mr. BROWNLOW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the acceptance of the burial ground of Andrew Johnson as a national cemetery.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWNLOW. Mr. Speaker, in presenting the bill to authorize the Secretary of War to accept, free of cost to the Government, the tract of 10 acres of land known as "Monument Hill," on the outskirts of Greeneville, Tenn., where the remains of Andrew Johnson now lie, I am but asking that a deserving though slight recognition of the services rendered his country by this distinguished statesman shall be made, a recognition which will be gratifying to millions of his countrymen, and should be objected to by no one.

Thirty-one years ago on the 31st of next July, at the residence of his daughter, near his own mountain home in East Tennessee, Andrew Johnson passed from this earth to receive his just reward. The event was an unwelcome one to the people of Tennessee, who had honored him with positions of trust since he was a young man 23 years of age, and who had but six months before elected him to the United States Senate; and it was a loss to the people of the nation, whose highest office he had so ably filled with incorruptible integrity. The career of Mr. Johnson is one of the most romantic and marvelous of that of any statesman of our political history, with the exception perhaps of Franklin and Lincoln. Like them, he was of the plain people. He rose from the depths of poverty and obscurity to the highest office within the gift of the people, and he served them well.

He was born at Raleigh, N. C., on the 29th of December, 1808. His father, Jacob Johnson, was a day laborer with a large family to provide for, yet he sacrificed his own life to save that of a stranger. When Andrew Johnson was but 4 years of age a traveler by the name of Henderson attempted to cross on horseback a swiftly moving river near the Johnson home, but he misjudged the ford and would have drowned had not assistance been rendered him. Seeing the danger to which the traveler was exposed, young Johnson's father repressed all thought of self and family and rushed to the rescue of the traveler and saved his life, but in so doing he contracted pneumonia and died. Thus, in boyhood's early days, Andrew Johnson was forced by an unfortunate yet noble circumstance to earn his own living and help provide for the family, which he did for a time by picking cotton. He was later apprenticed to a tailor. His mother, with but little of this world's goods, was left with a number of small children, and though unable to read or write, she managed to care for the little ones. Mrs. Johnson was a woman of superior native ability and industry, and it was from her Andrew inherited the talents which later made him familiar among the great men of the country, and she had the good fortune to live to see her son elected a Member of the National Congress.

In 1826, a poor and striving tailor of 18, Andrew Johnson left his cabin home in Raleigh, N. C., and with his devoted mother and stepfather and their scanty belongings in a two-wheel cart, drawn by a horse which had been purchased with the proceeds of the sale of the only respectable suit of clothes which the young man possessed, crossed the mountains westward, bound for Indiana, where the Lincolns had moved from Kentucky in 1816. The Johnsons halted at Greeneville, Tenn. The only tailor in the town having died a few days before, young Andrew concluded to remain. It may be possible if the life of that unknown village tailor had been longer, the political history of our country might have been different. "On what a slender thread hang everlasting things." It was at Greeneville that young Johnson, when 19 years of age, met and married Eliza McCordle, a beautiful, modest, and bright girl. They were married by Mordecai Lincoln, a justice of the peace and a cousin of Abraham Lincoln.

At the risk of being regarded as tedious, I will speak of the striking traits of character of this remarkable man, who, rising from abject poverty, became the running mate of the greatest of all our presidents except Washington and Jackson. While working as a tailor's apprentice young Johnson, who was never at school a day in his life, taught himself to read. He was taught to write by the angel who had taken her place at his side to share his sorrows and joys. He toiled laboriously for her support, but she more than repaid him by preparing him to stand forth in the strength of a stalwart manhood and to discharge the most responsible duties of an American citizen. He was not the creature of accident, as some of our Presidents have been, but a self-reliant, manly man of great native ability, Jacksonian will, and untiring industry, who rose from a village alderman to mayor, representative in both branches of the legislature of his adopted State, to be governor thereof, and then, after distinguished services in both Houses of Congress, to be Vice-President and President of the United States. After six years of private life following the expiration of his Presidential service, he was elected for the second time to the United States Senate. He was the only ex-President who served in either House of Congress, with the single exception of John Quincy Adams. The late President Garfield said of him that he possessed greater native ability than any man he had ever personally known, except Mr. Lincoln. The lack of scholastic training was apparent in his speeches, but they were both eloquent and logical. Few men ever possessed a clearer, stronger, or more musical voice for public speaking, and no man ever spoke with more earnestness than he did. He impressed his auditors that he believed what he said. He told no anecdotes, attempted no pleasantries. Perhaps to the unvarying earnestness of his delivery, coupled with his dauntless moral and physical courage and unspotted personal integrity, is due the fact that he had a stronger hold upon the confidence and affection of the Democratic party of Tennessee than any man in her history except Andrew Jackson.

As early as 1828 Mr. Johnson organized a workingman's party, and we have high authority for the statement that it was the first regularly organized workingman's party in the United States. With this organization as a nucleus Johnson launched into public life. Even at that early day there was favoritism shown to the rich in the administration of local government, municipal, county, and State, though not a thousandth part as great as in these later times of prosperity and colossal fortunes. These discriminations against the poor Mr. Johnson passionately and fearlessly denounced. The people rallied to him, and three times he was elected alderman; three times he was elected mayor. In 1835 he was elected to the lower house of the legislature of Tennessee. In 1837 he was defeated for reelection by Hon. Brookins Campbell, who sixteen years later was a member of this body; and this was the only defeat he sustained in his long career which terminated in the White House. It was his gratification two years later to defeat Mr. Campbell, who never again contested with him the leadership of his party. In 1841 he was elected to the State senate. In 1843 he was elected a member of this body and four times reelected. In 1853 he was elected governor of Tennessee, defeating the Hon. Gustavus A. Henry, celebrated as the "eagle orator" of the State, and a kinsman of Patrick Henry. In this contest his election was by the narrow majority of 2,040 votes, but the governor elected two years previously was a Whig. In 1855 he was again elected by 2,020 votes, his Whig competitor in this race having been Hon. Meredith P. Gentry, for fourteen years a distinguished member of this House, whom Ex-President John Quincy Adams describes in his "Memoirs" as "the greatest natural orator he had ever known." In 1857 Mr. Johnson was elected to the United States Senate by the unanimous suffrage of his party.

From his entrance into this body in 1843 he took a conspicuous rank. He participated freely in debate; advocated "tariff for revenue only," and other Democratic measures. But on one question he differed with his associates of the southern States of both parties. He introduced and for ten years so ably and persistently advocated the passage of a bill giving 100 acres of public land to "the landless and homeless," as he expressed it, as to excite the admiration of John Quincy Adams, as shown in his "Memoirs." If not the originator of the homestead bill, he for so long a period persistently and ably advocated it as to have been generally accredited with having been its father, though recent political writers have given the credit of the origination of that beneficent measure to a former Speaker of this House, Hon. Galusha A. Grow, who never opened his mouth on this subject until ten years after Johnson had introduced into this House his homestead bill, and which he reintroduced into the Senate in 1857 on his entrance into that body, after four years' service as governor of Tennessee. It was passed before the civil war, but was vetoed by President Buchanan. Still the persistent and able advocate of this measure had the pleasure of seeing it enacted into law with immaterial modifications in 1862, when it was approved by President Lincoln. The passage of this greatly beneficent measure giving 160 acres of the public land to any citizen who would settle upon and cultivate it was one of the greatest blessings ever conferred by a single act of Congress.

To Andrew Johnson more than any other man was due the credit for the passage of this bill which has done so much for the development of our western country. In the last race made by Mr. Johnson, in 1851, for reelection to this body, the Whig party had no candidate and his opponent was a Democrat of the Calhoun school, an eloquent and polished orator, Landon C. Haynes, afterwards a member of the Confederate States senate at Richmond. The main issue was Mr. Johnson's homestead policy, Mr. Haynes representing on this question the prevailing sentiment of the Democratic party, and objected to the "giving away" of the public domain, because "it was so far off as to be practically beyond the poor emigrant's reach." He said "a gift of 160 acres of the surface of the moon would be more desirable, for when the 'Queen of Night' rode through the heavens in the splendor of her full-orbed glory the poor man could at least have the satisfaction of gazing upon his distant and unattainable possession and feel that he had a home on another planet." But while the enterprising homesteaders for forty-four years have been making what Josiah Quincy, of Massachusetts, termed "the wild lands of the West, fit only for the habitation of wild animals and wilder Indians," the abodes of millions of as moral, intelligent, and enterprising citizens as the Republic boasts, and have transferred the center of population and political power beyond the Ohio, Mr. Haynes's quarter section of the icy moon still remains unentered. I will add that the Massachusetts statesman, Mr. Quincy, like Mr. Haynes, held to the theory that a State had the right to secede from the Union.

The greatest service Mr. Johnson rendered his country was from the inception to the end of the civil war. With the exception of Stephen A. Douglas, he was the only Democrat in the United States Senate in 1860-61, North or South, who was loyal to the Union of the States. The speech he delivered in the Senate on the 19th and 20th of December, 1860, was the first voice from the South in that body in favor of preserving the Government, and it electrified the country. His demand that the Federal Union be preserved at whatever cost of blood or treasure is pronounced by Hon. A. H. Stephens, in his book, "War Between the States," as having had perhaps a more powerful effect in its consequences than any single speech ever delivered. Substantially it was so described by Thomas L. Clingman, a Senator from North Carolina at that time. In mentioning this matter I do not desire to arouse partisan feelings here, but I do it simply to do justice to his history.

In 1862, at the earnest solicitation of President Lincoln, Mr. Johnson resigned his seat in the United States Senate to become provisional, or military, governor of Tennessee. In this position he rendered his country such signal service that it led to his nomination for the Vice-Presidency in 1864. As military governor he exercised the dual functions of soldier and civilian official. He organized and put in the Union Army thousands of soldiers. He reestablished within two-thirds and more of the State (all of its territory within the Union lines) the civil courts, appointing judges, clerks of courts, sheriffs, and other State officers. Under his initiative a Presidential electoral ticket was put in the field in 1864 which carried Tennessee for Lincoln. True, the vote of the State was not counted, because the then leader of this House, Hon. Thaddeus Stevens, opposed allowing a restoration of any seceding State to its rights in the

Union until universal negro suffrage had been granted and the property of leading secessionists had been confiscated. But Mr. Stevens's objections to counting the vote of Tennessee were permitted to prevail only because the vote of said State was not needed. With the great majority of the Confederates then in the army, Tennessee gave an honest majority for Mr. Lincoln's reelection, and its electoral vote would have been counted had it been needed to continue Mr. Lincoln's administration in power, without which the preservation of the Union would have been doubtful.

It is difficult to exaggerate the importance of the aid given by the loyal men of the Southern States in the preservation of the Union, and in this work East Tennessee stands preeminent. Her steadfast loyalty was an inspiration not only to Kentucky, Missouri, and other border slave States, but to the North as well.

Mr. Justice Harlan has expressed the opinion that but for the Union sentiment in Kentucky and East Tennessee, and the Union soldiers furnished by both, secession would have been triumphant. Besides, East Tennessee was an important military thoroughfare and a strategic point of greatest importance. To the Union armies East Tennessee furnished 35,000 volunteers, and not hirelings and conscripts. And this, too, without the promise or expectation of bounty. In the Century Magazine of February, 1885, in an article on the battle of Shiloh, William Preston Johnston, son of Gen. Albert Sidney Johnston, says his father's army—

Had been weakened by the necessity of keeping thousands of troops in East Tennessee to overawe the Union population of that section, so as to guard the only line of railroad communication between Tennessee and Virginia.

This hostile section—

He adds—

penetrated the heart of the Confederacy like a wedge, and flanked and weakened General Johnston's line of defense, requiring, as it did, constant vigilance and repression.

Thus wrote Colonel Johnston in reply to the criticisms of his father for the evacuation of Bowling Green and the loss of Forts Henry and Donelson. Delaware, Maryland, Kentucky, Missouri, West Virginia, and East Tennessee contributed 315,282 white men in defense of the Union, while 23,045 came from other Southern States, making a grand total of 338,327.

It is thus shown that of the grand total of the Union Army, nearly one-eighth came from the Southern States, and without this help the national cause would not have triumphed. The struggle was terribly hard and long, and sometimes doubtful. With considerably more than 300,000 men taken from the fighting force for the Union and given to the Confederacy, the success of the Federal Government could not have been hoped for. The indebtedness of the national cause to the Union men of the South was perceived very clearly while war was flagrant, but it has been much obscured to the public mind of late years by the partisan custom of calling all the States in which slavery existed "rebel States." More to refresh the memory of those who once knew the truth, and to inform those who are imbibing erroneous conceptions regarding the parties to the civil war, it is worth while to set forth the facts bearing on this question.

The southern men who fought for the Union have enjoyed the sweetest victory ever vouchsafed to the champions of a righteous cause. They have not only seen the cause triumph when, but for their help, it must have failed; they have lived also to see the men of their own States, over whom they triumphed, confessing their satisfaction that the contest ended as it did. But the real rock of unionism at the South was not a man, but a country and a people. The mountain uplift of eastern Tennessee, eastern Kentucky, and western North Carolina was a barrier against which the waves of disunion dashed only to be shattered. The spirit of its men, who fled by squads and singly through the mountains to get a musket, a Federal uniform, and to return, together with the unconquerable hearts of its magnificent women, was the real rock of unionism—the invincible force. But what of the leadership? On this plateau—pushed forward as Lookout Mountain pushes its rugged force above its fellows, erect, inflexible, defiant—stands, and will continue to stand by the consenting voice of future generations, Andrew Johnson as one of its bravest and ablest leaders.

But it is not true, as erroneously supposed by many, that Andrew Johnson was chiefly instrumental in influencing the people of eastern Tennessee to adhere to the Union cause. A majority of the people of East Tennessee had been Whigs since Mr. Johnson's entrance into political life, and were therefore more susceptible to the influence of the patriotic teaching of their old Whig leaders—Thomas A. R. Nelson, Horace Maynard, and William G. Brownlow—and hence it is not strange that a large majority of those who volunteered in the Federal service or remained loyal at home were men who had been raised and educated in the political faith of Henry Clay. While the dis-

trict I have the honor to represent had sent Mr. Johnson to Congress, the other two East Tennessee districts had been Whig, and in both of his races for governor, in 1853 and in 1855, he was defeated in East Tennessee. His election in both instances named, as well as to the United States Senate in 1857, was by the vote of the other sections of the State. But of the 35,000 men in the Union Army from Tennessee Mr. Johnson had been the idolized leader of about 12,000 of them. And by this reference not the slightest reflection is cast upon the justly acknowledged influence of Andrew Johnson, but he belonged to a party smaller than himself and more in sympathy with secession, and with which, on account of his heroic stand for the National Union, his former leadership was greatly impaired, making, therefore, his own steadfast loyalty the more meritorious and conspicuous.

General Grant, in his Memoirs, says great credit is due Gen. John A. Logan because, through his influence and leadership in southern Illinois, two or three thousand men entered the Union Army who would not but for his example and influence have done so. Then how deeply grateful should the country feel toward the courageous statesman who, in the midst of the armed enemies of his country, courageously upheld the flag of our fathers?

It was the misfortune of Mr. Johnson to incur the animosity of political leaders in both parties. Some southern men have not forgiven him for opposing secession, and some of the North for opposing the Congressional plan of reconstruction. In both instances he was right, and time has vindicated his judgment. He was a follower of Andrew Jackson and, with that great man, always denied the right of a State to secede from the Union. It was but natural that he who in his own person was an exemplification of the theory of our Government that in this Republic of equal opportunity "the poor man's son, if he have talent and genius, may climb the steep where fame's proud temple shines afar" should oppose the disruption of the Government whose highest honors, next to the Presidency, he had already enjoyed. He was not a traitor to the Republican party, as has been alleged, because he never claimed to be a member of that party. He was nominated for the Vice-Presidency as a war Democrat by a convention which assembled under the name of "the National Union convention." His admirers do not claim that he had no imperfections; but as an American citizen I am proud to know that he had no weaknesses that affected his personal or official integrity. The conflicts of party in which he figured, always as a leader, were the bitterest of our entire political history, and they left scars not yet wholly eradicated, either North or South. As that splendid citizen, Gen. Horace Porter, has recently said of John Paul Jones it may be said of Andrew Johnson—"His enemies opened their flood gates of calumny. No misrepresentation of his acts was too gross, no distortion of history too monstrous." These attacks on the character and motives of Andrew Johnson succeeded in a large measure in setting him before the world as General Porter said of Jones, "in an aspect that was a vicious caricature of his true nature."

There are people—

Who compound for sins they are inclined to
By damning those they have no mind to.

It was the misfortune of Andrew Johnson to immediately succeed Abraham Lincoln. Washington, Jefferson, Jackson, and Grant are the only Presidents we have had who would not have been dwarfed into insignificance by comparison to that matchless man. Of him it may be said, as it was of Washington:

Of all the men who have ever lived, he was the greatest of good men and the best of great men.

There are Ishmaelites who, unmindful of the splendid virtues of great men and their distinguished services to their country and to their fellow-men, derive great satisfaction from an unsparing examination of their character by the microscope. The foibles of a Washington or Grant, in the minds of little men, are serious enough to eclipse their transcendent virtues. No other country, ancient or modern, can, in the same period of time, show so many wise and patriotic heads of government as the United States of America from its first President to the present period of our history.

Andrew Johnson was more than a Democratic partisan. He was a leader and molder of public opinion. By self-education, environment, and instinct he was a believer in the sovereignty of the people. He was a Jacksonian Democrat. He was opposed to the tendency of the country, now more and more apparent, toward a plutocracy. This was the spirit of the speech he delivered on his inauguration as Vice-President, and by some such sentiments were then deemed so out of place that it was regarded as evidence of intoxication. By some he was called a demagogue. Chatham, Mirabeau, Patrick Henry, Samuel

Adams, and Jefferson were all demagogues, but they were not of the vulgar kind. They were the creators of public opinion, not its creatures. Chatham told the King of England that the people were His Majesty's masters. So did Patrick Henry and Adams. Mirabeau told the French King that privilege led to revolution. And Andrew Johnson, in his Vice-Presidential inauguration address on the 4th of March, 1865, reminded the heads of Government, Senators, Cabinet ministers, and Supreme Court justices, that the people were the source of power. He would have included the trusts if trusts had then been organized. Andrew Johnson was a demagogue in the higher and nobler sense—a demagogue who believed in the people.

Of great men, whether living or dead, the truth may be spoken. Simple justice to the memory of Andrew Johnson does not require that the forbearance of his enemies be supplanted. The rigid critic might not regard him as an exemplar, either in morals or politics. Very few are the men whom I would hold up as exemplars in either, but the qualities I have ascribed to him may well be emulated by some public men of to-day, upon whom an inscrutable Providence has devolved the responsibilities of high office. He was not a member of any church, unless it was the church militant, for life with him was always warfare. His honesty was never questioned; the smell of official or personal corruption was never upon his garments. Party spirit and the man with the muck rake have put his fame under a cloud for more than a generation, but posterity will see in him a pure patriot and courageous statesman. It was meet that the flag of his country should be entwined about his coffin and his head pillowed upon the Constitution as he had requested.

Of the thousands who attended his funeral there were not many of the great and wealthy, not many in office. But the plain people, of whom President Lincoln was so fond, were there because they loved him and they believed he had always had their interests at heart. From the workshops and the farms there came to his burial by the thousands the men with hands hardened by toil and faces bronzed by the sun. They honored him for that sterling integrity which never soiled his soul with speculation, which never betrayed the people's trust for private gain. They honored him for that nobility of soul which had no scorn for the poor and no sycophancy for the rich and powerful.

It is the duty of patriotism to cherish and perpetuate the memories of the mighty dead. Personality is power. Dead or alive it draws. But great personalities and notable places are not all in the more populous, wealthy, and powerful States. Tennessee has cradled and given opportunity to as many great personalities in proportion to its population as any other State. In Greeneville is the little tailor shop of the seventeenth President of the United States, on which is still hanging the sign, "A. Johnson, Tailor," and near by is a beautiful monument erected to his memory on a high hill in view of the lofty mountains that join in eternal embrace his native and adopted States. In Tennessee were the homes of John Sevier, the hero of Kings Mountain; of Andrew Jackson, the hero of New Orleans; Edmund P. Gaines, the hero of Fort Erie; of Davy Crockett, of the Alamo; Sam Houston, of San Jacinto; President James K. Polk; Commodore Matthew F. Maury, discoverer of the currents of the sea; Admiral Farragut; N. B. Forrest, "the Wizard of the Saddle," and Isham G. Harris, the great war governor of the South; Hugh Lawson White, John Bell, Thomas A. R. Nelson, Horace Maynard, Meredith P. Gentry, James C. Jones, statesmen and orators whose public acts are an imperishable part of the records of their State and nation, and last, but not least, Andrew Johnson.

These names will never be forgotten in Tennessee. The State honors herself in honoring their memory. "The sun and stars will shine in their seasons," but revolving years will neither quench nor dim the light of their great examples.

Mr. Speaker, Andrew Johnson made his impress on the history of his country, and since only the few have been taught to do him justice as a man, a citizen, and a statesman, I have attempted to speak the truth of him in this feeble tribute. At the unveiling of the monument to his memory at Greeneville, Tenn., there was one who spoke of him as he was and as he is to-day, enshrined in American hearts. Hon. George W. Jones, of Tennessee, served with Mr. Johnson in the State legislature a number of years, for ten years was his colleague in this House, and was his intimate personal friend and associate, knowing the great commoner perhaps better than he was known by any other man. Mr. Jones delivered the oration on the occasion referred to, and as he so completely covered the life and history of that great man, I desire to embody his remarks in concluding my speech, as being the history of a remarkable American life that should be preserved in the official records of the country.

Mr. Jones said:

ORATION.

LADIES AND GENTLEMEN: The ceremony performed in our presence to-day discovers to the eyes of this assemblage the monument, erected by his children, to mark the resting place of the remains of Andrew Johnson. The occasion has been deemed appropriate for an oration commemorative of the life and character of that remarkable man, and at the solicitation of those children and numerous friends, while sincerely distrustful of my ability, I have accepted the duty. The reason for my selection lies chiefly in the fact that for a period of forty years it was my fortune to have been intimately associated with him, and that our services in public station, during the period in which I acted, was fundamentally accordant in political views. The antecedents of both were somewhat similar also, and conduced to render us congenial, and to establish relations—both public and private—of a sympathetic friendship, which were not severed at any period of his eventful career. The opportunities of this relationship have been held to qualify me to speak of him as he was, to analyze his characteristics, to interpret his motives, and to portray the events of his laborious and tumultuous life in the light which may serve as a guide to the estimate in which posterity may hold him. This task I do not regard myself equal to, and were it otherwise, neither time nor the proprieties of the occasion would permit a discourse requiring a review of one of the most important periods in the political history of our Government. This, indeed, will be the duty of the elaborate historian, who shall write of the man and his times after the roar of the combat shall be forgotten and the passion it aroused shall have given place to reason. In the shaping of great events, he wrought with rare vigor and power, and his life will project a commanding figure on the canvas of history. To that repository his fame may be safely committed. The time to-day may be profitably employed in recounting the narrative of his wonderful course from orphanage and obscurity to exalted station and world-wide renown, and in reflecting on the mental and moral attributes which enabled him to overcome these obstacles and achieve results so grand. In this aspect his life is a lesson of absorbing interest and instruction; and though it is not possible to speak of it without reference to eras of fierce political conflict, I shall endeavor to do so justly and candidly, remembering for him that he is dead, and for the living that the truth in regard to great characters who may become exemplars is all that is valuable.

Nearly three years have elapsed since Mr. Johnson, but recently elected to a seat in the highest council chamber of the Government, and apparently in robust health for one who had nearly reached the limit of three score and ten years, was suddenly stricken, and his spirit summoned from the scenes of earth. The unexpected announcement thrilled the people of the United States with a sense of sadness. Those who had admired and supported him, as well as those who had not, felt that a great man had fallen—in the figure of Scripture, "that a standard bearer on the walls had fainted"—and that a public bereavement was suffered. The bells in cities were tolled. The public buildings exhibited the insignia of mourning. The flag of the nation hung at half-mast. The day of his burial was respected in a suspension of the official business of the public. Numerous meetings of the people assembled to express the universal sense of loss. At a later date funeral pageants were formed in honor of his memory, notably one at the capital of this State, whose public servant he had been so long. Still later, on the meeting of Congress, a day was designated on which the representatives of the people should, in resolutions and spoken eulogies, voice the sentiment of the nation regarding his death; and in these political friends and foes united in the language of homage. Here at his home his removal was as if one of yonder mountains had "bowed its tall head to the plain." First receiving a mark of the public confidence from this people nearly half a century before, his luminous ascent to supreme station had reflected honor upon them, and his fame was cherished here as a household god by everyone. No tribute of tongue or pen or ostentatious parade paid to his memory was so true or just as the homely outpouring of the people, and the children of the people, who had been his early and steadfast friends, on the day his body was interred at this spot. The obsequies were not elaborate in equipage and vain display of ceremony. They were such only as he would have desired—a concourse of the people irrespective of social rank, subdued in grief, and quietly performing the last service we can offer our fellow-men. They were as becoming as they were spontaneous and unaffected—the simple and sincere offering of those who knew him best and esteemed him most. And thus, after a life of extraordinary energy in a great field of action, illustrating both extremes of fortune, amid the mingled admiration and regret of a continent, his mortal part was laid in the earth, and men turned away, thenceforward to contemplate him in the steadily receding view of history.

To trace this life since he first appeared in the then village yonder, more than fifty years ago, is a story of the marvels possible to indomitable will and inflexible honesty, allied to inborn talents. But who that saw him then—and there may be those living who hear me—would have ventured to predict that the uncouth youth, poor and unlettered, unknown and unfriended save by the widowed mother who was his companion and his dutiful burden, was to become the recipient of all these honors, in life and in death, I have so feebly depicted? How it came to pass let the sequel show.

Andrew Johnson was born in Raleigh, N. C., December 29, 1808. He was the son of Jacob Johnson, an humble man, who filled at various times several petty offices in that town. He was quite poor and unable to give his children even the rudiments of an education. He died when his subsequently illustrious son was in the fourth year of his age. In the history of men who have become eminent early loss of the father is quite a frequent circumstance. It was the case with Jackson and Clay, for example. One might speculate if in characters having the germs of greatness this apparently adverse stroke of fate did not tend to develop the faculty of self-reliance, an element afterwards so prominent. At 10 years of age Andrew was apprenticed to a tailor in Raleigh, and a few months before the expiration of his term of indenture he left his employment and his native place on account of a boyish misdemeanor in which he was implicated. In a year or more he returned, having spent the time at work in his trade at Laurens Court House, S. C. Learning that his former master had removed some distance from Raleigh, he sought him, made apology for his misconduct, and tendered payment for the unperformed period of service for which he owed. This honorable offer was not received properly, and the proud spirit of the youth revolted, and he resolved to seek a new home. His gaze turned westward, and for him, indeed, "the star of empire" was brilliant with destiny. Having traveled in the humblest manner with his dependent mother, in the fall of 1826—then 18 years of age—he arrived in Greeneville, Tenn.

Here he opened that shop which has become historic, and sat diligently at his trade, approving himself a good workman and acquiring the confidence of those who employed him. Not long after, he married her who rests by his side beneath that shaft, justly sharing the honors paid to him. Their temperaments were unlike—he, fervid and aggressive; she, calm and retiring—but their union was fortunate, and by her aid he was better prepared for the long encounter which fate held in reserve. He had never gone to school. Incited by listening to readings from a copy of *The American Speaker*—a work of oratorical exercises—while an apprentice on the board, he mastered the alphabet and learned to read. Until his marriage, his education consisted only in such imperfect reading as the intervals from toil allowed him. His wife taught him writing and arithmetic—acquisitions which served to enlarge the sphere of his capacity and stimulate the sacred thirst for knowledge. Under her instructions his self-education was pursued concurrently with his daily labor and far into the night when other mechanics were accustomed to rest. Such was the resolute spirit of the man, as even at this time his nascent ambition was prefiguring the career on which he had set his heart.

His thrift in his vocation and his studious habits and active intelligence were not long in attracting attention, and in 1828 he was elected an alderman of this town, and reelected in the year following. In 1830 he was made mayor, a considerable dignity for a young man of 22 years of age. This office he filled for several years with efficiency. He was appointed a trustee of Rhea Academy in 1834. This was the year in which the second constitution for the State was submitted to the people. He advocated its adoption, as its features, in the main, were more democratic than the instrument of 1796, which it was designed to supersede. Thus, in the incipency of his public life is observed a devotion to that principle which became its shibboleth—the bringing of the government nearer to the people. In the year following the first general assembly under the new constitution was elected, and he presented himself as a candidate for representative. The division of the people into parties, afterwards so long known as Whig and Democratic, was just then occurring, and the instincts and modes of thought of Mr. Johnson at once aligned him with the latter, at whose head was Andrew Jackson. His candidacy, however, was not wholly acceptable to some who assumed to be local leaders of the party, but, nothing caring, he engaged in debate with his popular competitor, and sustained himself so well as to silence all objections in his own ranks. He was elected, and it was in the house of representatives in that assembly that your speaker, as a fellow-member, formed his acquaintance. In that body, though but few, if any, discerned the elements of character he afterwards developed, he made more than the ordinary impression of a new member. He was punctual, laborious, but not unduly forward. He kept a vigilant eye on the legislation proposed in molding the order of things under the new constitution, and judiciously participated in debate.

His style was less assured and vehement than afterwards, but nevertheless ready and pointed. Though plainly clad and not so robust in figure as in later life, his marked and expressive features presented him well and engaged attention when he arose to speak. An important measure of that session was an act for internal improvements—the building of a system of macadamized turnpikes at the expense of the State treasury. Mr. Johnson's course in regard to this was strongly illustrative of candor and boldness, as well as of tenacious adherence to constitutional limits in legislation, which he ever so consistently and signally displayed. His own mountain-bound section of the State, under the operation of the law, would derive benefits greatly desired—ready means of intercommunication, as well as accessibility to other sections, then quite difficult. It was, therefore, popular in that region, and a number of its leading advocates were from East Tennessee. Mr. Johnson gravely doubted the power of the general assembly to impose a tax upon the people for an extraordinary purpose without the previous consent expressed at the polls, and seriously questioned the abstract right and propriety of incurring an indebtedness of the State, bearing interest, for any object, however desirable or laudable. From a fund thus acquired he was jealous to apprehend misapplication of its use. With these views he strenuously opposed the enactment of the measure, notwithstanding the expected advantage to accrue to the people whom he represented. In this early step there was nothing of the odor of demagoguery, which since has been erroneously charged against him. Indeed, to this manly independence of the popular desire was, in great part, to be attributed his defeat for reelection in 1837. Two years later, however, he appealed a third time to the people. Some of the consequences of the favorite measure which he had foretold had been observed, and he was triumphantly returned. His bearing and legislative service at this session gave evidence of enlarged information on questions meriting public attention and of ripening powers. A single defeat had not discouraged him nor in the least relaxed his ardor. In 1840 he was nominated a candidate, for the State at large, for Presidential elector on the Democratic ticket, and appeared in debate with various gentlemen of distinction on the opposing ticket. His experience in speaking before the people and in the halls of legislation had begotten confidence in his capacity. He was thoroughly informed upon the current questions and principles at issue, and in these forensic struggles he bore himself the equal of any whom he met. Those who witnessed them perceived that he was in a sphere in which he was qualified to become eminent. He was elected a member of the State senate in the year following. The period was one of intense political antagonism. The Whig party, successful in the Federal elections, had suffered a disaster in the early death of President Harrison and the alleged defection of his successor to its principles in an important object to its great leaders—the establishment of a Bank of the United States. Mr. Johnson was then, as ever afterwards, a determined opponent of powerful fiscal corporations, holding them to be inimical to the rights and interests of the mass of the people and promotive of public corruption. He felt it to be a public duty to oppose by every legitimate means the ascendancy in Congress of the party advocating this measure. In great part this question entered as an element in the election of United States Senators, which then devolved upon the general assembly, and Mr. Johnson was one of the Democratic majority of the State senate—known in the political parlance of the time as “the immortal thirteen”—whose refusal to act thwarted an election. This produced an angry contest, and the arguments in attack and defense were of a mixed legal and partisan character. At this session Mr. Johnson was the author of a bill providing for a scheme of internal improvements, which he held to be safely practicable and not obnoxious to the objections which he had urged to the measure of a previous legislature.

He had now achieved a reputation coextensive with the State. In his six years of service in the general assembly he had exhibited in-

defatigable industry, astuteness and skill in debate, a candid record upon all issues, and unbending courage. He aspired to a wider field of action and announced himself a candidate for the Federal House of Representatives, and after an arduous canvass was elected, and entered that body in the thirty-fifth year of his age. It was the fortune of your speaker to enter it simultaneously and to serve with him during the ten years of his membership. In that forum, then containing a number of distinguished men of long experience in the national councils, and receiving at that time a number also of those who afterwards acquired high renown, the ambitious Member from the First Tennessee district doubtless felt painfully the grip of those “twin jailors of the daring heart”—“low birth and iron fortune”—which had condemned him to educational deficiency. But, nothing daunted, he assiduously addressed himself to attaining whatever could better qualify him for the position. He had neither taste nor natural aptitude for enjoying what many esteem as the recreative honors of membership in Congress. He regarded it as a theater of high and important duty—an arena of public usefulness, in which the gratification of a just ambition was a legitimate reward.

In the sessions of that body he was diligently attentive to the business transpiring; in the intervals he was discharging duty on committees, or intently seeking information from the library and every source at his command. He knew no idle hours, but was incessantly equipping for the discharge of the functions which the people had committed to his trust, and the making for himself an honorable fame. He was somewhat sensitive on one point, and quickly resented a derogatory allusion. In his first session, in the course of a discussion on the tariff, a colleague from this State made reference to his mechanical occupation. Mr. Johnson instantly interrupted him, and demanded to know if he spoke contemptuously. The intention was promptly disavowed. It is a mistake to suppose that he was accustomed to artfully introduce this feature of his life to propitiate popular favor. Neither was he ashamed of it, but quietly proud rather, and prouder still of the free institutions which fostered the effort to rise from humble station. During the long period of his service in the Lower House of Congress he was a frequent partaker in the debates on all of the leading questions before the body. The two great parties alternated in predominance, and the lines of division were distinctly drawn. As a rule, he acted with his political associates, but there was a vein of independence in his course which on occasions resisted the trammel of party dictation, and when moving in concert his reasons were always his own. This ingredient of character early attracted the notice of the eminent and sagacious John Quincy Adams, so long an ornament of the House, who spoke of him as an acute and original thinker, and foresaw the distinction of which he was capable. Out of this element in his composition grew a number of frank utterances which produced criticisms among his political friends at home, and cost him several severe contests for the retention of his seat—those of 1847 and 1851 will be remembered. Before the people, however, the formidable disaffection in party ranks notwithstanding, he was invincible. His first effort in Congress was a speech in favor of the bill refunding the fine imposed on General Jackson by Judge Hall in 1815. He spoke also on the measure for the annexation of Texas, and during its course, in a number of speeches, defended the justness of the war with Mexico. His speeches on tariff revision, which resulted in the law of 1846, exhibited thorough research and knowledge of that intricate subject. The erection of special industries into monopolies by a protective tariff system, he held to be partial and unjust, and grossly injurious to the interests of the most numerous classes of the people, and moreover, in contravention of the cardinal principles of free government. In regard to the Oregon boundary line and the threatened difficulty with the British Government he sustained the policy of President Polk. He was a strenuous advocate of retrenchment in the expenses of the Government, which he perceived to be unnecessarily and inordinately large in many features, chiefly so in extraordinary and useless offices and large salaries. He favored simple and economical administration in the interest of the toiling taxpayers, and as a potent instrumentality in repressing the inevitable tendency to corruption. A speech on this subject of great earnestness was construed as an attack on the then Democratic Administration, and gave umbrage in some quarters. But it was not his way to withhold the expression of his views under dread of any disapprobation. In a debate arising upon an important question then prominent he delivered an incisive speech in advocacy of the Executive veto power, in which he traced a contrast between its wholesome use as a feature of republican government and the kingly negative under a monarchical system. He defended it as a conservative clause of the Constitution, designed to restrain hasty, improvident, and sectional legislation, proper to be wielded by the Chief Magistrate as the representative of the whole people. Perhaps the most glowing dream of his ambition did not forecast the era twenty years later, when he should boldly exercise it in circumstances perilous with the crisis of his public career. About this period he initiated his long and persistent struggle to secure the enactment of a law granting a homestead of 160 acres of the public lands to any citizen who should occupy and cultivate a part of it for a specified number of years. This measure encountered both discouragement and opposition from various sources. The great and overshadowing question of slavery and its complication with Territorial settlement was an obstructing prejudice to its intrinsic merits. Upon this rich and vast domain which it was proposed to reserve for this purpose the eager eyes of incorporated greed, vulture-like, were already gloating. The homestead law, designed as a bounty to enterprise and frugal industry, and the encouragement of thrifty citizenship—the richest treasure a nation may have—but a powerful influence strove to retain it for ripening schemes of selfish speculation adroitly masked. But Andrew Johnson conspicuously championed the measure, and at a time and under circumstances when considerations of sectional popularity would have deterred a less intrepid and independent man. He may be said to have been its projector, and his name is indissolubly identified with this legislation, so beneficent to thousands, and so sagacious and statesmanlike. It is one of that class of laws which crown their authors with the blessings of generations of people. The many homes on the teeming acres of the great West stand as a monument to the wisdom and courage of Mr. Johnson.

In the agitation ensuing upon the territorial acquisitions from Mexico with reference to slavery, as a southern man Mr. Johnson steadily upheld the rights and interests of his section as guaranteed under the Constitution. In the exciting debates to which this portentous question led he did not assume extreme ground touching the institution of slavery, nor advocate its extension as a means of maintaining the balance of political power between the free and slave States. He did, however, defend its constitutional sanction where it then existed, and in the common territory of the United States, as a species of property as inviolable as any other. As to the policy and perpetuity of this

peculiar institution, he held that the former was settled in the fact that it existed, and was thoroughly incorporated in the body of society, and that the latter was a question out of the province of the powers of the General Government, and determinable only by a variety of economical considerations, as time might develop. An aggressive war upon it as a moral and social wrong, which was to be hedged by inhibiting its spread, he despised as fanatical and violative of the spirit in which the Federal Union was formed, and deprecated it as threatening to incite a sentiment imperiling alike the Union and the Constitution, the safeguard of all institutions. As a scheme of adjustment of the then aspect of the question, he did not approve some of the features of the compromise of 1850, but finally voted for the five measures which it comprehended. One intimately conversant with Mr. Johnson's views during the long and troublous era caused by these issues could but know that he was loyal to the legal rights of the slave States in this respect and to every degree, and was prepared to maintain them under the Constitution and within the Union, and could not but know, also, that he would not surrender the integrity of the Federal Government to preserve slavery or any other single interest whatever. The destruction of that he regarded as tantamount to the sacrifice of all that could be held dear to the American people and as the culmination of irretrievable political disaster, and would put nothing in the scale against its preservation.

On March 4, 1853, his first period of service in Congress terminated, and he retired from the public employment, but for a short time, a few months only. In the spring of that year he was nominated as the Democratic candidate for governor of Tennessee, and thereabout the truth of history requires a statement. While recognizing their necessity, Mr. Johnson was never an adept in party conventions, and he was not present when this honor was tendered him. In Congressional redistricting, under the census of 1850, the First, so long represented by him, had been made doubtful or adverse to the success of a Democratic candidate. Fortunately, in the fall preceding your speaker met a prominent member of the party, who urged that the coming gubernatorial candidate should be from East Tennessee, and named Mr. Johnson, and he consented; and he, while in Washington City, by letter requested a distinguished leader in the party in Nashville, who would be present at the convention as a delegate or otherwise, to withdraw his name from before the convention in the event he should think it necessary to do so in order to harmonize the convention. There it rested, so far as his (Mr. Johnson's) personal interference was concerned. On the assembling of the convention, at a preliminary consultation of delegates the name of the gentleman to whom had been confided Mr. Johnson's interest was himself recommended to the convention for nomination as the Democratic candidate. He felt the embarrassment, and frankly stating it to the convention, requested that his name should not be presented to the convention, and thereupon Mr. Johnson was nominated by the convention. In the conferment of this honor, no imputation of overreaching can in the least impeach his manliness. His competitor was Gustavus A. Henry, a gentleman of high character, and famed for commanding eloquence and ability, and the field of contest was the entire State. Mr. Johnson reversed the political majority of the previous election, and was inaugurated governor in October. His address on this occasion contained several passages which provoked sarcastic criticism. His administration of State affairs was upright and acceptable, and marked in some features by his characteristic vigor and independence of precedent. He was unanimously nominated for reelection, and the contest following was one of the most remarkable ever witnessed, as well for its fierceness as for the boldness and ability he displayed, and was, for a time doubtful. Only he, perhaps, could have achieved the result. In this year the disintegration of one of the great parties which had so long disputed the political mastery of the Government gave rise to an organization whose leading tenet was proscription of the political rights of citizens of foreign birth and members of the Church of Rome. Oaths of obligation to its purposes and passwords of admission to its councils were alleged of it. It absorbed the mass of that party whose distinctive form had disappeared and very considerable numbers of those who had held opposite political affiliations. It was formidable alike in its construction, its specious principles, and in the support it received from men of high intelligence and unimpeachable character. It opposed the fundamental articles of Mr. Johnson's political creed—his belief in the rights of man irrespective of nativity and in the largest liberty of thought and conscience—as well as his theory of free institutions and aroused the utmost energy of his nature. In political warfare he never favored defensive tactics, but this he assailed like the Mameluke cavalry on a charge.

The intensity of his feeling quickened his powers, and his argument blazed with denunciations as he attacked it in every form. With ridicule he drove it from the intrenchment of secrecy, and with unsparing language he combated its doctrines and designs. The opposing candidate was Meredith P. Gentry, a gentleman of experience and tried capacity, and gifted with copious and sonorous eloquence, and the unusual encounter brought other able speakers to the field. Mr. Johnson's forensic efforts were the highest he had ever exhibited, and his triumph won a national renown. His second term of service as governor of the State passed without a notable incident, and at its conclusion, being now the unquestionable leader of his party, he was, by its unanimous choice, elected to the vacant seat in the United States Senate in 1857.

Nearly twenty years of continuous official life, with the untiring application with which he cultivated his talent for public business, eminently fitted him for that great arena. In his development he had acquired a degree of accomplishment, as well as increased strength, and from the first he was a stalwart figure in the Chamber where the giants of debate—dead and living—were wont to wrestle. Over the political heavens portentous clouds were forming, and the public mind was fevered with anxiety and alarm at the period of his entrance. On the western border were already heard the mutterings of the terrific storm which in a few years was to burst with devastating fury upon the nation. No one described more clearly the ominous aspect, or desired more earnestly to avert the catastrophe, or understood more thoroughly the necessity for a statesmanship at once bold and cautious. He knew the designs of infatuated and reckless leaders—whether they marshalled the sentiment of a vast section of the country under the banner of irrepressible conflict or inculcated another section with the doctrine of national disruption as a means of avoidance and desirable consummation. He held sympathy with neither, but the chief themes of Senatorial discussions were big with the problem. Notwithstanding these, however, there were other matters of great importance which received his attention. He opposed the Pacific Railroad measure on the ancient principles of the Democratic faith, which denied the power of the Government to construct directly or otherwise works of internal improvement, or by aid or subsidies of

moneys or lands to ally itself with companies for that object. Not doubting the utility of such a work for purposes of military transportation, on which it was defended, he yet saw vast areas of public lands about to pass into the grasp of soulless corporations, and engendering of corrupt combinations as a consequence. He was instinctively jealous of these powerful organizations. The infamous history of the Credit Mobilier, fresh in memory, and the conscienceless lobby which hovers now at Washington as another branch of Congress attests his foresight; and all the accruing advantages of the work are questionable compensation for such a train of evils.

The dissensions in the Democratic party regarding the status of slavery in the Territories, which caused the adjournment of the Charleston convention without a nominee, was deeply deplored by Mr. Johnson. In the light of the history of the times, perhaps the result to which it contributed—the election of a sectional President—could not have been averted; though, with a united front of the party North and South a contrary result was possible. During the session of that convention he had been honored with the unanimous vote of his State on repeated ballots as its Presidential choice, and had there prevailed greater unanimity as to the question at issue it is not improbable that the conservatism of his locality and the inherent constituents of his popularity would have made him the candidate of the convention. The division occurred, and he espoused the cause of that one of the Democratic candidates having the greater following in the Southern States. Over this step he hesitated, and numbers of his friends watched his course with anxiety. In the crisis then imminent his antecedent views warranted the opinion that he would not follow into extreme measures, and to your speaker he firmly said that in the last event he should be for the Government, the Union, and the Constitution. His motive at this time may be assumed to have been the hope that in an alliance with that section of his party from which he apprehended extreme action he could exert a more potent influence to restrain it. The event came, and Congress assembled amid unparalleled excitement. Already the Federal Union was dissolving. Within a fortnight he delivered in the Senate a speech directed against the doctrines and policy of secession and in behalf of the integrity of the Federal Government. It was the ablest effort of his life. Other great speeches, ancient and modern, have displayed more amplitude of learning and rhetorical excellence, but for incisive power and electric boldness—the science and the theme conspiring for effect—this is unsurpassed. Benton spoke satire of Webster's reply to Hayne thirty years before, when the Union was intact and the danger imaginary, but the most violent antagonist was awed into respect by the thunder of this eloquence when the storm actually burst. All through those three eventful months preceding Mr. Lincoln's inauguration he labored by private appeal and effort to retain a full southern representation in the Senate, arguing that its majority could withstand whatever aggressions the Executive might make and yet save the Republic from detriment, and, on the 6th of February, 1861, when curses from those whom he had long served were hurrying about his head, he made another speech of great force, in which he proclaimed his unalterable determination to cling to the Union, let who would desert.

Upon the adjournment of Congress Mr. Johnson returned to Tennessee, which yet formally adhered to the Federal Government, but under the fall of Sumter the land heaved as with an earthquake. After a futile effort to stay her act of separation, he was compelled to leave the State, not to return until he came as military governor, in March, 1862. At the extra session of Congress, called for July 4, 1861, he advocated the war measures, but, concurrently with the venerable Crittenden in the House of Representatives, he presented resolutions declaring that the war was not waged for conquest and subjugation, nor to destroy existing institutions, but to restore the authority of the Government. The position of military governor was as anomalous and distasteful to him as it was irritating and vexatious to the people, and was assumed at the sacrifice of the better feelings of his nature, and with the hope that its functions might abbreviate and ameliorate the condition of the State to which he owed so much. The prolongation of the struggle dispelled this hope, and much of the exasperation that occurred should be mainly ascribed to the excitement and mutual passion that prevailed. The firmness and vigor of his administration, however, was a powerful adjunct to military operations.

In 1864, at the second candidacy of Mr. Lincoln, Mr. Johnson was named for Vice-President, was elected in connection to that office. The proclamation emancipating the slaves had been issued as a war measure, and the continuance of the contest, then at its fiercest, had virtually effaced it. For the success of the Federal arms this was the gloomiest period of the struggle, and in the North a large and growing party were clamorous for peace. The Administration feared the political result to be doubtful, and to secure the warm support of the portion of the Democratic party supporting the Government, abandoned the distinctive name of Republican, and nominated Messrs. Lincoln and Johnson as the Union National candidates. As such, and such only, the latter accepted, as the language of his letter to the committee accepting the nomination clearly sets forth. The fact that he was a Democrat, lending his great influence to the Government in its dire straits, was the motive for his selection; and never did he, in faith or in form, detach himself from the Democratic standard. This is a historical fact, elucidating subsequent history, and vindicating him from the charge that he deserted the party which elevated him to the Presidency. Within a few weeks after his accession to the second office in the Government, the armed resistance to its authority surrendered, and almost simultaneously came the tragic death of Mr. Lincoln, and he ascended to the Chief Magistracy. As he took the oath prescribed, the nation already quivering with excitement at the march of events, was dumb with horror at the appalling crime, and never did ruler assume the reins of power under responsibility more delicate and tremendous. This era, and the conduct of Mr. Johnson as President, will engage the profound attention of him who shall write its truthful history, as philosophy teaching by example. The throes of a four years' civil war, waged with gigantic numbers and fury, had disjoined the constitutional fabric of authority and demoralized alike the victors and the vanquished. Sobriety and reason had deserted, and, as if to crown the catastrophe, an act fitter for the age of the Borgias than the century which saw it had come to horrify and madden. Here was all of opportunity for guilty ambition, invested with power, to engulf the remnant of liberty in the vortex of anarchy, and to emerge itself a despot. In the escape from this danger two causes of rescue may be considered. One will be found in the character of the American people impressed by their institutions. Though liable, as others, to become the temporary sport of passion, the individual sense of responsibility, acquired from habitual participation in the affairs of Government, tends to restore them to sobriety and the recovery of their equilibrium. This was then exhibited. The other, and not the least, was

in the personality of the President. In that dread time no Cromwellian dreams disturbed his sedate and majestic patriotism. No thought of self-aggrandizement to the injury of his country warped his judgment or restabilish his integrity. To calm the tumult, to reassure confidence, to restabilish, in form and in spirit, the free institutions he so much admired, this was his ideal of duty and vision of glory; and to these tasks he addressed himself with wisdom and courage possessed by few in circumstances so perplexing. He invited a continuance in service of the Cabinet of his predecessor, and as the sequel proved, judiciously decided not to convene Congress in extraordinary session. In vindication of justice he promptly brought to trial and execution the conspirators in Mr. Lincoln's murder; for one feature of which he has received much sentimental reproach; but, in this respect, the careful student of that exacting period will fully exonerate him. In a brief time the mass of the Federal Army was disbanded, and in a few months all military trade restrictions with the region lately at strife with the Government were removed, and a general amnesty, with certain reservations, was proclaimed. Simultaneously the work of establishing provisional civil governments in the lately insurgent States, with a view of restoring their autonomy and just relations to the United States Government, was commenced, and with due expedition was completed.

In justification of these legitimate Executive proceedings, just prior to the assembling of Congress he dispatched the General of the Army on an official tour for the purpose of observing the temper of the people in those States and reporting the result of this reorganization on the condition of affairs. This report was submitted to Congress shortly after the delivery of his first message to that body, and its facts sustained the policy adopted. That paper was an elaborate review of the manifold important events of the nine preceding months, a lucid disquisition upon the theory of the Government, and an able exposition of the principles and measures he had pursued. It is replete with statesmanship, and the archives contain no document more noble and patriotic. The fears of his imperious temper, fretted by the persecution he had undergone, was not realized. Elevation had but steadied his faculties, and the leniency and magnanimity expected of the amiable Lincoln, blended with a just security for Federal interests and restoration of the organic rights of States which had revolted, were the essential characteristics of his policy. But with the Congress then met and the one succeeding—which find a fit parallel in the worst features with the long Parliament of England—this wise and correct statesmanship met stern and factious resistance. The message was referred to an extraordinary committee of fifteen, whose perverse counsels dictated a vindictive and vituperative hostility to the President, arrested the peaceful work of reorganization, and, under the name of reconstruction, inspired the dominant majority of Congress to a series of measures whose baneful effects have yet scarcely ceased. Mr. Johnson was charged with the betrayal of the Republican party and of the Republic as well—terms synonymous in the vocabulary of this truculent majority. He had done neither. To the former he had not professed allegiance, either in act or utterance; of the latter, his faithful friendship was almost the sole buttress of protection. This led to a long and acrimonious contest between the President and Congress, to which his previous struggles were puny in comparison. He was deeply indignant, and to a large assemblage before the Executive Mansion he made a counter denunciation. Against the unconstitutional, reckless schemes of that body the heroic element of his character was arrayed, and the rock of Gibraltar was not more sure and firm set than this man. The veto power he had formerly defended, claiming its derivation from a tribunal negative of the people when Rome was a republic, he now wielded in the name of the people and in defense of their constitutional liberties. It was stricken down successively in the instances of the civil rights bill, the freedmen's bureau bill, the bill to enforce enfranchisement of colored men by the States, the bill subordinating States to military district government, and the tenure-of-office bill. He sustained his action in a series of messages which illuminated the subjects of which they treat, at once cogent and conclusive to reason, but not to sheer force of majorities determined to defy it. Still he did not yield, and upon the basis of opinions from his Attorney-General sought to mitigate the mischiefs of the military satrapies set up in the Southern States and to remove from the Cabinet a contumacious member. Infuriated now at his intrepid firmness, the Congressional oligarchy resolved to impeach him on charges dignified as high crimes and misdemeanors, and the nation witnessed the spectacle of its President standing at the bar of the Senate, baited by the minions of a malignant partisanship, and defending his own integrity and that of his great office against the encroachments of faction. No trial in history exceeded this in interest, and had the result been different none ever carried consequences of more pernicious import. For the illustrious accused the ordeal was terrific, but his equanimity was unmoved. Had he been guilty his placid courage would have redeemed his fame. But even in a prejudiced tribunal the convicting majority could not be obtained, and he emerged triumphantly—the sober sentiment of the country condemning his accusers. The period of his Presidency was tempestuous, but it was illustrated with patriotic wisdom, with brilliant administrative vigor, and with honesty. Though encountering more formidable obstacles than any predecessor, he laid down his great trust unimpaired, and his niche in the temple of fame is assured.

On the 4th of March, 1869, he departed from the Capitol for his home in Tennessee, journeying amid ovations of popular approval. At large meetings held at prominent points in the State he testified of his stewardship. He was then just turned of three score years, but his exciting labors had not dimmed his eye nor unnerved his strength, nor was his strong nature satisfied with the score he had left with his fierce antagonists still on the scene of action. He desired to reenter the Senate, to oppose on that field the hurtful measures he had so stoutly fought in one still higher. But other counsels prevailed, and he was not gratified. The mists of prejudice yet lingered in the atmosphere. A few years later he sought entrance to the popular branch of Congress as Representative from the State at large, but under circumstances which again defeated him.

His unyielding spirit never flagged, however, and he finally won the most sincere gratification that his ambition could enjoy. He felt his election to the Senate to be a reversal of any sentence that his loved State had ever passed against him, and it was a proud day when, amid the acclamations of the thronged galleries, he stepped on that floor with her seal in his hand. Nor did the memories of that Chamber—once his court of judgment—render less sweet the sense of his just triumph. The Senate was convened for the special consideration of the vexed question of Louisiana affairs—a condition induced by the legislation he had so sternly combated. It had then its worst phase—anarchy produced by the lawless domination of its legislature by the Federal military. Against this he spoke with his characteristic power. It was his only and last effort, for, though no sign was given, his fate was impending.

In the summer of 1875 he was engaged at his home in the arrangement of his voluminous papers, and there received an earnest invitation to enter the pending political campaign in Ohio, which was of national importance. This was accepted, but during the work of preparation the last message came. Death found him preparing for another battle. It was not to be, and after an illness of a few hours he expired in the presence of his family in the sixty-seventh year of his age. As the announcement flashed over the land, carrying regret to minds considerate of the unsettled political condition, it carried also the thought: He "should have died hereafter."

Mr. Johnson was not the creature of circumstances, otherwise this scene to-day had not been. He carved his own career, mainly without adventitious favor. Perhaps some elements in his own character caused the struggle of his life to be the more severe. A degree of reserve, tinged with distrust, made him less the object of warm esteem and attachment than that of confidence and admiration inspired by the intrinsic elevation of his nature. He was endowed with capacious and resolute faculties which brooked no obstacle and made him superior to cliques and conventions. His only external aid was the liberal institutions of government under which he lived, and of these he felt himself to be a foster son, and for them he cherished an affection which would have made his life, if needed, a sacrifice. A representative democracy offered a theater, and by his own exertions he reared the intellectual and moral structure which his countrymen are proud to honor. There is no frivolous or fictitious component in the character he has left; it is the product of earnest, faithful work, due to laudable aspiration and devoted to the service of his country and his fellow-men.

His personal appearance was familiar here. Of medium height, his figure was compactly shaped, indicating sinewy strength and power of endurance. His step was elastic and his carriage erect. In complexion he was slightly swarthy; his hair in early manhood was quite dark and luxuriant, becoming thinned and silvered in his latter years. His chest was broad and deep, his neck stout but shapely, surmounted by a large and well-formed head. His countenance, with its deep-set, piercing eyes, was one to arrest attention. "On his front deliberation sat, and public care," with an expression habitually anxious, shaded with sadness. Smiles were not frequent with him, but when so moved they were sincere and hearty. His general manner was grave, rather than austere, but quickly showed his feelings—the sterner as well as the gentler. Trained in no school of deportment, he had yet an innate dignity, and while in the Presidential chair the scepter of authority seemed native to his hand. His mind was analytical and logical in cast, the reasoning faculties being predominant. He sought for facts and first principles, and applied them acutely and profoundly. His imagination did not furnish him with figures of fancy, but his fervid nature furnished him with apt resources of illustration and well-chosen language. His power was in clearness of statement and simplicity of argument that the people could follow, and a vehement earnestness which convinced them of his sincerity. In his conflict in debate a personal tone was often observed which was not intended, the result rather of his intense feeling upon the principle or doctrine at issue. Though often in collision, bitterness did not abide with him except to those who had been treacherous or vindictive. Most severely tested from the lowest to the highest point of his fortunes, his decision and force of will was simply grand. Though open to counsel, he formed his own judgment, and his conclusion was immovable. Opposition but fixed it the more firmly, and men called him obstinate, but he stood upon his rendered reasons. He was thoroughly honest in his convictions, and in their defense no danger appalled him. He would have adhered to them at the martyr's stake. His honesty, in the broad sense, was an emphatic trait. That which he believed became a part of him, and he was incorruptible by bribe, either to his purse or his ambition. His official standard of uprightness was lofty, and in an era of corruption he was without blemish. His moral courage in the performance of public duty towered to the sublime, and in this respect his characters are as little different as are the spelling of their names—Andrew Johnson and Andrew Jackson. His tastes were simple and frugal, and the blandishments of station did not debauch them. A modest home in this unpretending town, and the company of his neighbors, sufficed for him who had moved among the more than equal of the great and titled. He did not affect piety and was not communicative of whatever religious views he entertained. So thoughtful as he was, it is probable that he held some, but he kept that account with his Maker alone.

He was not without faults, but they were such as are common to the best of men; and not without errors, but the balance of his qualities, great and small, and of his acts, public and private, is more largely in his favor than that of most men. His political principles were pronounced and steadfast. He was a Jeffersonian Democrat of the intenser type, and believed firmly in the capacity of the people, in their honesty of purpose, and in their fidelity to good government and social order. Though to no man has the term been more offensively applied, he was not a demagogue, and no taint of agrarianism defiled his thoughts. He opposed universal suffrage as alike inexpedient, and unconstitutional in the manner it was proposed. He did not mislead his people. He communed with them frankly, for he did not forget that he was one of them, and had been of the humblest. Occasion came when he differed with the people, and he maintained his opinions with fearless candor. He was devoted to the Constitution of the United States as the chart of the wisest and the freest government ever devised by man. He interpreted it by the letter, and insisted that its powers should not be enlarged by too liberal construction. He regarded it as the palladium of popular government and regulated liberty. He jealously guarded the reserved rights of the States, but held that the union of these States, formed under the Constitution, was essential to their preservation. When it was imperiled, he stood forth its mighty champion. Of that struggle others may wear the military laurels, but to him belongs the civic wreath; and in the catalogue of its history, the impartial verdict of aftertimes will award him the first place for unselfish patriotism and unequalled powers.

The designs and inscriptions on that chaste marble—the eagle, the flag, the scroll, and the simple line, "His faith in the people never wavered"—typify the character it commemorates. Here on this romantic spot, chosen by himself, that shaft will stand, attracting the gaze of those who pass on that great highway yonder leading to the North and to the South, and to the East and to the West. It will become a pilgrim shrine to which generations yet unborn shall journey to pay homage to the memory of one whose name will grow more lustrous as time shall lapse. And these majestic mountains, which will not survive his fame, looking down, shall sentinel the sepulchre of this statesman, patriot, and friend of the people—the defender of the Constitution and the Union.

LETTERS FROM DISTINGUISHED PUBLIC MEN.

Among the letters received by the family from distinguished public men in other States were the following:

[From Governor Robinson, of New York.]

EXECUTIVE CHAMBER,
Albany, May 31, 1878.

Mrs. PATTERSON.

MADAM: I have received your kind invitation to be present at the unveiling of the monument erected to the memory of our late President, Andrew Johnson, on June 5. Remembering the ability, integrity, and patriotism of the distinguished statesman in whose honor this ceremony will be held, it is with deep regret that I find myself unable to participate in it. Public engagements of the highest importance will detain me at Albany constantly for many days to come, and I am therefore forbidden from assisting to pay a deserved tribute to the memory of one who has done so much for and deserves so much of his State and nation.

I am, madam, with great respect,

L. ROBINSON.

[From Governor S. J. Tilden, of New York.]

15 GRAMERCY PARK, NEW YORK,
June 1, 1878.

GENTLEMEN: I have received your invitation to be present at the unveiling of the monument to ex-President Andrew Johnson, at Greeneville, Tenn., on the 5th inst.

It would give me great pleasure to be present on that occasion if it were practicable, but engagements here preclude the possibility.

I appreciate highly the character of Andrew Johnson; his devotion to constitutional principles as they were practiced by Jefferson and by Jackson, and I sympathize with the homage which his fellow-citizens propose to pay to his memory.

Very truly, yours,

SAMUEL J. TILDEN.

To the committee at the unveiling of the Johnson monument.

[From ex-Senator Vickers, of Maryland.]

CHESTERTOWN, MD., May 29, 1878.

An invitation was received to-day to attend the appropriate services accompanying the unveiling of the monument erected to the memory of a great man and a true patriot. He was faithful to all his trusts, honest, and fearless.

The votes I gave to sustain him as Chief Magistrate I recur to with much satisfaction—they were conscientiously given, and I rejoiced in his triumph. I hope the Union he served to sustain will continue to exist as long as the beautiful monument erected to Andrew Johnson, ex-President of the United States, shall resist the encroachments of time.

My best wishes are extended to his family, and I regret that circumstances will debar me the pleasure of witnessing and participating in the interesting and beautiful services of the occasion.

With great respect, I am, sincerely, yours,

GEORGE VICKERS.

To the family of the late President Andrew Johnson.

[From Hon. D. S. Gooding, of Indiana.]

GREENFIELD, IND., June 1, 1878.

Mrs. PATTERSON:

Some time since I saw in a newspaper a statement that a monument will be erected to your father, ex-President Andrew Johnson, on the 5th of June. I had hoped that my business affairs would be in condition to permit my presence on that occasion, but I now find that it will be out of my power to be there. I very much desired to contribute at least my presence, expressive of the high esteem in which I hold the memory of ex-President Andrew Johnson as an honest and patriotic man of great ability, and a true friend. Not knowing the post-office address at this time of any of your father's family, I shall address this letter to you at Greeneville, Tenn., and assuring you and all the family of my deceased friend, including your husband, of my highest regard and pleasant remembrance of former kindness, I shall always take great pleasure in testifying to my knowledge of the many good qualities of your great father, now deceased, whose name will be more and more honored as time passes and history is just. Please say as much to all the family now surviving.

I am, yours, etc.,

DAVID S. GOODING.

[From ex-Senator Joseph S. Fowler.]

WASHINGTON, D. C., June 3, 1878.

Hon. D. T. PATTERSON.

DEAR SIR: I desire through you to thank all those who did me the honor to send me an invitation to attend the ceremonies of unveiling the monument erected to the memory of Andrew Johnson. It is a source of unfeigned regret that I am unable to attend. I sincerely hope that the occasion will call forth a pronounced expression in approbation of the services of one of the most illustrious citizens of the Republic.

The State of Tennessee is rich in distinguished service and illustrious memories which must never be neglected or forgotten. Every ceremony which repeats their virtues and devotion will recall the present generation to the contemplation of heroic patriotism and incorruptible integrity.

Before the brave and adventurous pioneers had expelled from her borders the stealthy and deadly tread of the savage, they were recalled to participate in the struggles of the Revolution. From that period to this her sons have freely poured out their blood in the defense of the Republic. Her wisdom, foresight, and patriotic devotion have been called into the councils of the nation and have taken the front rank. In every contest but one they have stood by the Republic. On this occasion she reluctantly threw her power against the nation. Under the guidance of Andrew Johnson she was the first to resume her place in the home of her fathers. It was from the inception to the close of this fearful struggle that this eminent citizen played the most conspicuous part and had the most marked influence upon the cause of national restoration and regeneration.

It will not be out of place to recall some of his cardinal principles in this period of national decadence. Among the most cherished were the inviolability of the popular will as expressed by the ballot; the prosperity of the people is the measure of national wealth, and not the

treasury swelled by taxation; never distrust the good faith of the people; nothing is settled that is wrong; the people are capable of self-government, and will at last correct every political error; the sanctity and dignity of labor is above all other social and political interests.

Though this man's life was one continued storm and struggle against opposition, calumny, and envy, he lived to see the angry waves subside and the tempestuous ocean calm as the slumbering infant. He had witnessed the achievement of his cherished wishes. He had first spoken for the nation and opposed war. His counsels were unheard, and after an ocean of blood had been shed he conducted the revolted States back to their places in the Republic. He had returned to Tennessee, and by his generous magnanimity conquered his place in the affections of his fellow-citizens. He had been welcomed back to the Senate by the American people—to the spot of his proudest triumphs and bitterest agonies. He returned to his mountain home and died in the midst of the fortunate consummation of his long, anxious struggles. Happily he did not live to see the will of the people defeated by fraud and the National Executive chosen by an unauthorized commission against the solemn expression of the people at the ballot.

He entered public life when political antagonisms had centered in political chiefs. The contest was fierce and personal, though involving only questions of a transient character. Gradually the conflict widened and deepened into one of civilizations emanating from sections formed on geographical lines. In his course he had been a diligent student of the Constitution, and his intense admiration of that expression of civil government grew into an enthusiastic reverence. To this chart he turned with pious veneration through all the angry and exasperating contests that were rapidly generating the fearful conflict of arms. Amidst all the long and dreary agony that followed he turned devoutly to the fountain of his faith and hope for guidance. When the hour of reconciliation had arrived, when the cry of an exhausted people for peace was uttered to the heavens, he again turned to the ever-living fountain of light for the principles which should direct his steps to restoring the shattered and disordered Republic. The events that have followed reconstruction have attested his wisdom and foresight, and have claimed for him new titles to the reverence of the American people. I shall not now, over his ashes, enter into any comparisons. They force themselves unwillingly upon the public mind, and have silenced every murmur against his patriotic and upright administration of the Government. It has been a source of wonder to see how rapidly the waves of partisan resentment have subsided into tranquil approval. Every year attests the value of his jealous regard for the provisions of the Federal Constitution and his disposition to win the confidence of the prostrate section of his country.

Throughout his political life he was no friend of the sword. He used it only in extreme emergencies and renounced it upon the first gleam of peace. He relied upon generous and impartial justice, upon the influence of an exalted charity and the magnetic power of a noble and patriotic love to cement again the bonds of union and give assurance that the Republic was again the home of all her children.

I will not longer detain you on his merits. They will, from that beautiful mount in which his ashes repose, be portrayed by a life-long friend and companion who was endeared to him by all the ties of a common faith, personal friendship, disinterested and patriotic services, and common struggles for what they righteously believed vital to the interests of the nation and her people. I am happy to know that one who will do justice to his motives and his actions has been chosen for the service. I feel profoundly grateful that "heaven has bountifully lengthened his days" for this pious service. Again, by a faithful and sincere heart will the blessings and dangers of free institutions be pressed home upon the public conscience.

With the warmest assurance of regard and esteem,

I am, as ever, your friend,

JOS. S. FOWLER.

HARIET P. SANDERS.

The SPEAKER also laid before the House the bill (H. R. 9813) granting a pension to Harriet P. Sanders, with a Senate amendment thereto.

The Senate amendment was read.

Mr. CHANEY. Mr. Speaker, I move to nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. SAMUEL W. SMITH, Mr. FULLER, and Mr. KELHER.

ELIZA SWORDS.

The SPEAKER also laid before the House the bill (H. R. 1160) granting an increase of pension to Eliza Swords, with a Senate amendment thereto.

The Senate amendment was read.

Mr. CHANEY. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CALDERHEAD, Mr. CHANEY, and Mr. DIXON of Indiana.

NATIONAL SOCIETY SONS OF THE AMERICAN REVOLUTION.

The SPEAKER also laid before the House the bill (H. R. 15332) to incorporate the National Society of the Sons of the American Revolution, with a Senate amendment thereto.

The Senate amendment was read.

Mr. OLCOTT. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

CANON CITY, COLO.

The SPEAKER also laid before the House the bill (H. R. 4546) ceding to the city of Canon City, Colo., certain lands for park purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. BROOKS of Colorado. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

PUGET SOUND AND LAKE WASHINGTON CANAL.

The SPEAKER also laid before the House the bill (S. 6329) authorizing James A. Moore or his assigns to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington, being substantially the same as a House bill on the Calendar.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to, and it shall be lawful for James A. Moore or his assigns to construct a ship canal with a suitable timber lock along the Government right of way connecting the waters of Puget Sound, in the State of Washington, with Lake Washington, subject always to the provisions and requirements of this act and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States, subject to every right and power of the United States: *Provided*, That such canal and lock shall not be built or commenced until after the plans and specifications for their construction, together with such drawings of the proposed construction and such maps of the proposed locations as may be required for a full understanding of the subject, have been submitted to the Secretary of War for his approval and until after he shall have approved such plans and specifications and the location of such lock and any accessory works, and such works shall at all times be subject to the inspection and supervision of the Secretary of War; and when the plans for any lock and canal for construction under the provisions of this act have been approved by the Secretary of War it shall not be lawful to deviate from such plans, either before or after the completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary of War: *And provided*, That the said James A. Moore or his assigns shall be liable for any damage that may be inflicted by the construction of said lock and canal by overflow, by a lowering of the waters affected, or otherwise, in a court of competent jurisdiction: *And provided further*, That said canal and lock, when completed, shall be turned over to the United States ready for use and free of all expense to the United States, and thenceforth shall be and remain the sole and exclusive property of the United States.

SEC. 2. That this act shall be null and void unless the canal and lock herein authorized shall be commenced within one year and completed within three years from the date of the approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. JONES of Washington. Mr. Speaker, I move that the Senate bill be put upon its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the similar House bill was ordered to lie on the table.

TO PROHIBIT ALIENS FISHING IN THE WATERS OF ALASKA.

Mr. POWERS. Mr. Speaker, I desire to present a conference report on the bill (S. 267) to prohibit aliens from fishing in the waters of Alaska, for the purpose of being printed under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

CHARLES C. JACOBS.

Mr. MANN. Mr. Speaker, I present the following privileged report from the Committee on Elections No. 1.

The Clerk read as follows:

Resolved, That Charles C. Jacobs was not elected a Member of the Fifty-ninth Congress from the Seventh Congressional district of South Carolina, and is not entitled to a seat therein.

The resolution was agreed to.

Mr. MANN. I now yield to the gentleman from Maine [Mr. POWERS].

ISAAC MYERS.

Mr. POWERS. Mr. Speaker, I present the following privileged report from Committee on Elections No. 1.

The Clerk read as follows:

Resolved, That Isaac Myers was not elected a Member of the Fifty-ninth Congress from the Second Congressional district of South Carolina, and is not entitled to a seat therein.

The resolution was considered and agreed to.

Mr. MANN. Mr. Speaker, I now yield to the gentleman from Michigan [Mr. YOUNG].

AARON P. PRIOLEAU.

Mr. YOUNG. Mr. Speaker, I present the following privileged report from the Committee on Elections No. 1.

The Clerk read as follows:

Resolved, That Aaron P. Prioleau was not elected a Member of the Fifty-ninth Congress from the First Congressional district of South Carolina, and is not entitled to a seat therein.

The resolution was considered and agreed to.

On motion of Mr. MANN, a motion to reconsider the several votes by which the resolutions were agreed to was laid on the table.

The SPEAKER laid before the House the bill (S. 6288) to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a

clerk for said court, and for other purposes, a similar bill being on the House Calendar.

The Clerk read as follows:

Be it enacted, etc., That the counties of Uvalde, Zavalla, Maverick, Kinney, Valverde, Terrell, and Pecos shall constitute a division of the western judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said western district of Texas shall be held twice in each year at the city of Del Rio, in Valverde County, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said courts shall be held at Del Rio, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the said counties of Uvalde, Zavalla, Maverick, Kinney, Valverde, Terrell, and Pecos, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Del Rio, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Del Rio: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts of said division shall maintain an office, in charge of themselves or a deputy, at said city of Del Rio, which shall be kept open at all times for the transaction of the business of the said division.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. GARNER, a motion to reconsider the last vote was laid on the table.

A similar bill (H. R. 19516) was laid on the table.

THE IMMIGRATION BILL.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent to recommit to the Committee on Immigration the bill S. 4403, to amend an act entitled "An act to regulate immigration of aliens into the United States."

Mr. FINLEY. I would like to ask the gentleman what the purpose of this is?

Mr. GARDNER of Massachusetts. Simply this: The committee has adopted a large number of amendments already and probably will adopt more at the meeting to-morrow. Now, if this bill comes before the House in its present form it will be exceedingly difficult for Members to follow it on account of the large number of committee amendments. In connection with the report I prepared when I submitted this report of S. 4403 I had a comparative statement of the changes that it would make in the existing law, and I want to get out a new report.

Mr. FINLEY. Would not a reprint of the bill answer every purpose without recommitting it?

Mr. GARDNER of Massachusetts. I think not, for the reason that we have adopted twenty or more amendments.

Mr. FINLEY. Would not a reprint of the bill with the amendments inserted be sufficient?

Mr. GARDNER of Massachusetts. No; we can not reprint a bill which is separate from a report because the bill is not before the committee. All we could do would be to offer the amendments on the floor of the House, in which case it would be very difficult to follow it.

Mr. FINLEY. Is the gentleman assured that the bill will be promptly reported back to the House?

Mr. GARDNER of Massachusetts. I am assured that I will make every effort to have it reported back at once, and I have almost the unanimous support of the members of the committee, with the possible exception of one, and I think every member on the gentleman's side.

Mr. FINLEY. How soon could the bill be reported back?

Mr. GARDNER of Massachusetts. Just as soon as we can pass upon the amendments and get them in shape. They are all in my pocket now, and we have a meeting to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

RELEASING TITLE TO CUARTEL LOT, MONTEREY, CAL.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 16946) releasing the right, title, and interest of the United States to the piece or parcel of land known as the "Cuartel lot," to the city of Monterey, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in the piece or parcel of land known as the Cuartel lot, situated in the city of Monterey, State of California, is hereby released to the said city of Monterey as the successor in interest of the old pueblo of Monterey. That the city of Monterey, Cal., is hereby designated as the trustee of the original grant made by the Mexican Government of pueblo lands to the pueblo of Monterey, as the successor of said pueblo, to hold the same in trust for the uses and purposes of the original grant, and confirmation is hereby made to said city of said land as patented November 10, 1891.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman how much land there is in this lot.

Mr. NEEDHAM. About an acre.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. NEEDHAM, a motion to reconsider the last vote was laid on the table.

EXTENSION OF REMARKS.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent that Members may have five days' time within which to print or extend remarks in the RECORD upon the subject of the naturalization bill, and also unanimous consent for the printing of 1,000 extra copies of the bill as it passed the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DAM ACROSS THE RIVER AT CLEARWATER, WRIGHT COUNTY, MINN.

Mr. BUCKMAN. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 17455) permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to The Mississippi River Power Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, to build a dam across the Mississippi River above the mouth of Clearwater River, at or near the village of Clearwater, Wright County, Minn., for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That The Mississippi River Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such dam as he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by The Mississippi River Power Company, its successors or assigns.

SEC. 2. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota and in the courts of the United States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of same.

SEC. 3. That this act shall be null and void unless the dam herein authorized be commenced within three years and completed within six years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

On page 2, in line 25, strike out the words "United States Fish Commissioner" and insert in lieu thereof "Secretary of Commerce and Labor."

On page 3, line 13, strike out the words "three years" and insert "one year;" and on the same page, in line 14, strike out the word "six" and insert "three."

The SPEAKER. Is there objection?

Mr. BURTON of Ohio. Mr. Speaker, reserving the right to object, I would like to ask about this bill. How far is it from the navigable portion of the Mississippi River?

Mr. BUCKMAN. It is about 50 miles above Minneapolis, and above where we have already given permission for two dams.

Mr. BURTON of Ohio. There are dams above and below the proposed dam, are there not?

Mr. BUCKMAN. Yes, sir.

Mr. BURTON of Ohio. Dams have been established for some years, some of them?

Mr. BUCKMAN. Yes, sir.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BUCKMAN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS CHATTAHOOCHEE RIVER, GEORGIA.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19815) to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Georgia, Florida and Alabama Railway Company, a corporation organized under the laws of the States of Georgia and Florida, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Chattahoochee River at a point between Columbus, Ga., and Franklin, Ga., in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read the third time; was accordingly read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

THREE BRIDGES ACROSS THE CHATTAHOOCHEE RIVER, ALABAMA AND GEORGIA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19816) to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Georgia, Florida and Alabama Railway Company, a corporation organized under the laws of the States of Florida and Georgia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate three railroad bridges and approaches thereto across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table.

DAM ACROSS MISSISSIPPI RIVER, IN WRIGHT COUNTY, MINN.

Mr. BUCKMAN. Mr. Speaker, I ask unanimous consent to call up the bill (S. 5357) permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to The Mississippi River Power Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, to build a dam across the Mississippi River between the township of Monticello, in Wright County, Minn., and the township of Becker, in Sherburne County, Minn., and above the village of Monticello, in said Wright County, for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That The Mississippi River Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance, and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such dam as he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by The Mississippi River Power Company, its successors or assigns.

SEC. 2. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota and in the courts of the United States: *Provided*, That nothing in this act shall be so con-

strued as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said structures from the operation of same.

SEC. 3. That this act shall be null and void unless the dam herein authorized be commenced within three years and be completed within six years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read, as follows:

On page 3, in line 15, strike out the words "three years" and insert "one year;" and on the same page, in line 16, strike out the word "six" and insert the word "three."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

DAM ACROSS CROW WING RIVER BETWEEN MORRISON AND CASS COUNTIES, MINN.

Mr. BUCKMAN. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 17881) permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Judd Wright, his heirs or assigns, to construct and maintain across the Crow Wing River a dam, canal, and works necessary incident thereto, for water power and supply purposes, at any point at or near the junction of the Gull River with the Crow Wing River, on section 30, township 133 north, range 29 west, fifth meridian, between the counties of Morrison and Cass, in the State of Minnesota: *Provided,* That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of construction of the same: *And provided further,* That the said Judd Wright, his heirs or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modification of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further,* That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further,* That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation; and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interests of navigation.

SEC. 2. That suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained at said dam by the said Judd Wright, his heirs or assigns.

SEC. 3. That in case any litigation arises from the building of said dam or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts as now provided for that purpose in the State of Minnesota or in the courts of the United States.

SEC. 4. That the right to amend, alter, or repeal this act is hereby expressly reserved, and the same shall become null and void unless the construction of the dam hereby authorized is commenced within two years after the passage of this act and completed within five years thereafter.

The committee amendments were read, as follows:

On page 2, in line 25, strike out the words "United States Fish Commissioner" and insert "Secretary of Commerce and Labor."

On page 3, in line 7, after the words "United States," insert "*Provided,* That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said structures from the operation of same."

On page 3, in line 11, strike out the words "two years" and insert "one year;" and on the same page, in line 12, strike out the word "five" and insert the word "three."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

PRESERVATION OF AMERICAN ANTIQUITIES.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4698.

The Clerk read as follows:

A bill (S. 4698) for the preservation of American antiquities.

Be it enacted, etc., That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than \$500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 2. That the President of the United States is hereby authorized,

in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided,* That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

SEC. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided,* That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

SEC. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman whether this applies to all the public lands or only certain reservations made in the bill?

Mr. LACEY. There is no reservation made in the bill of any specific spot.

Mr. STEPHENS of Texas. I think the bill would be preferable if it covered a particular spot and did cover the entire public domain.

Mr. LACEY. There has been an effort made to have national parks in some of these regions, but this will merely make small reservations where the objects are of sufficient interest to preserve them.

Mr. STEPHENS of Texas. Will that take this land off the market, or can they still be settled on as part of the public domain?

Mr. LACEY. It will take that portion of the reservation out of the market. It is meant to cover the cave dwellers and cliff dwellers.

Mr. STEPHENS of Texas. How much land will be taken off the market in the Western States by the passage of the bill?

Mr. LACEY. Not very much. The bill provides that it shall be the smallest area necessary for the care and maintenance of the objects to be preserved.

Mr. STEPHENS of Texas. Would it be anything like the forest-reserve bill, by which seventy or eighty million acres of land in the United States have been tied up?

Mr. LACEY. Certainly not. The object is entirely different. It is to preserve these old objects of special interest and the Indian remains in the pueblos in the Southwest, whilst the other reserves the forests and the water courses.

Mr. STEPHENS of Texas. I will say that that bill was abused. I know of one place where in 5 miles square you could not get a cord of wood, and they call it a forest, and by such means they have locked up a very large area in this country.

Mr. LACEY. The next bill I desire to call up is a bill on which there is a conference report now on the Speaker's table, which permits the opening up of specified tracts of agricultural lands where they can be used, by which the very evil that my friend is protesting against can be remedied. It is House bill 17576, which has passed both bodies, and there is a conference report for concurrence as to one of the details upon the Speaker's table.

Mr. STEPHENS of Texas. I hope the gentleman will succeed in passing that bill, and this bill will not result in locking up other lands. I have no objection to its consideration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENTRY OF AGRICULTURAL LANDS WITHIN FOREST RESERVES.

Mr. LACEY. Mr. Speaker, I call up the conference report on the bill H. R. 17567.

The SPEAKER. The gentleman from Iowa calls up the conference report, which the Clerk will read.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17576) to provide for the entry of agricultural lands within forest reserves, having met, after full and free conference, have

agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment with an amendment as follows, so as to read, in lieu of the Senate amendment and in lieu of the words stricken out, "except the following counties in the State of California: Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego;" and the House agree to the same.

JOHN F. LACEY,
S. C. SMITH,
JOHN L. BURNETT,

Managers on the part of the House.

THOS. H. CARTER,
FRANK P. FLINT,
FRED T. DUBOIS,

Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The bill as it passed the House applied to the forest reserves in all of the public-land States and Territories, with the exception of the State of California. As the bill passed the Senate the exception as to the State of California was stricken out.

As agreed upon by the conferees, the Senate amendment is so modified as to make the bill apply to the State of California, with the exception of the following counties: Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.

There are portions of forest reserves within the counties above named. This bill will therefore not apply to lands in so much of the reserves as are situated in said counties.

JOHN F. LACEY,
S. C. SMITH,
JOHN L. BURNETT,

Managers on the part of the House.

THOS. H. CARTER,
FRANK P. FLINT,
FRED T. DUBOIS,

Managers on the part of the Senate.

Mr. LACEY. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

TERM OF COURT OF THE NORTHERN DISTRICT OF CALIFORNIA.

Mr. GILLET of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 19522. The bill was read, as follows:

A bill (H. R. 19522) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.

Be it enacted, etc., That there shall be one term each of the United States district and circuit courts for the northern district of California held in the city of Eureka, Cal., in each year from and after the passage of this act, said term to begin on the third Monday in July and continue as long as the business may require: *Provided, however,* That Humboldt County, Cal., shall furnish a suitable place in which to hold said court, free of all charges and expenses, until such time as the United States shall make provisions for a place in which to hold the same.

SEC. 2. That the clerk of the district and circuit courts for the northern district of California and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GILLET of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALLOWING SETTLERS TO BUY LOTS IN HEYBURN AND RUPERT, IDAHO.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4862 as amended.

The bill was read, as follows:

An act (S. 4862) allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash.

Be it enacted, etc., That in the town sites of Heyburn and Rupert, in Idaho, created and surveyed by the Government, on which town sites settlers have been allowed to establish themselves, and had actually established themselves prior to the approval of this act in permanent buildings and with substantial improvements, not easily moved, the said settlers shall be given the right to purchase the lots occupied by them at an appraised valuation for cash, such appraisement to be made under rules to be prescribed by the Secretary of the Interior. Reclamation funds may be used to defray the necessary expenses of appraisal-

ment and sale, and the proceeds of such sale shall be covered into the reclamation fund.

The amendments recommended by the committee were read, as follows:

Strike out the words "the approval of this act," in lines 6 and 7, and insert "March 5, 1906," in lieu thereof.

Strike out the words "and with substantial improvements" in lines 7 and 8.

Strike out the words "occupied by them" in line 9 and insert the words "so built upon" in lieu thereof.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING PREFERENCE TO ACTUAL SETTLERS ON CERTAIN LAND IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 16785.

The bill was read, as follows:

A bill (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.

Be it enacted, etc., That persons who are now in possession of land under a lease approved by the Secretary of the Interior on pasture reserve No. 3, open for settlement by act of Congress of — (H. R. 431), the same being situate in township 1 north and 1 south, in range 8 west, Indian meridian, Territory of Oklahoma, be given a right to purchase said lands, as follows: That the land so leased shall be appraised by a commission of three persons to be appointed by the Secretary of the Interior, one upon the recommendation of the Kiowa and Comanche Indians through their agent, one by the lessee upon said pasture reserve No. 3, or a majority thereof; said commissioners to receive such compensation as the Secretary of the Interior may direct, the same to be paid from the funds received from the sale of said lands, and said appraisement when made to be approved by the Secretary of the Interior; said land to be appraised without regard to any improvements that have been placed thereon, and the said lessee to have the privilege to purchase at its appraised value the amount of land covered by his lease within sixty days after notice of said appraisement, one-fifth of the price of the same to be paid at the time of notice of acceptance of said purchase and the balance of the purchase price to be paid in four equal annual installments, bearing interest at the rate of 6 per cent per annum; and in case any purchaser fails to make the annual payment when due all rights in and to the land covered by his or her purchase shall at once cease and be forfeited, and any payment theretofore made shall be forfeited. The funds received from said sales to be placed to the credit of the Indians the same as other funds provided for in said act of: *Provided,* That the Secretary shall appoint said commissioners within thirty days from the passage of this act, and said commissioners shall make said appraisement and file their report within thirty days from the date of their appointments.

The amendments recommended by the committee were read, as follows:

In line 3, page 1, strike out the words "a lease" and insert in lieu thereof the word "leases."

In line 7, page 2, strike out the word "lessee" and insert in lieu thereof the word "lessee."

Lines 12 and 13, page 1, strike out all of said lines after the word "agent," in line 12.

On page 2, line 6, after the word "thereon," insert the following: "except such as are required by the provisions of said leases."

On page 1, line 5, after the word "Congress," strike out the word "of" and insert in lieu thereof "in H. R. 17507;" and before said word "Congress" insert the word "this."

After the word "of," in line 19, page 2, insert the words "this session of Congress, in H. R. 17507."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

SPONGES.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2806) to regulate the landing, delivery, cure, and sale of sponges.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act it shall be unlawful to land, deliver, cure, or offer for sale at any port or place in the United States any sponges taken by means of diving or diving apparatus from the waters of the Gulf of Mexico or Straits of Florida: *Provided,* That sponges taken or gathered by such process between October 1 and May 1 of each year in a greater depth of water than 50 feet shall not be subject to the provisions of this act.

SEC. 2. That every person guilty of a violation of this act shall for each offense be liable to a fine of not less than \$100 or more than \$500, which fine shall be a lien against the vessel on which the offense was

committed. And every vessel used or employed in violation of this act shall be liable to a fine of not less than \$100 or more than \$500 or forfeiture, and shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

Sec. 3. That any violation of this act shall be prosecuted in the district court of the United States of the district wherein the offense was committed.

Sec. 4. That it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act, and upon his request the Secretary of the Treasury and the Secretary of the Navy may employ the vessels of the Revenue-Cutter Service and of the Navy, respectively, to that end.

With the following amendments recommended by the Committee on the Merchant Marine and Fisheries:

On page 1, in line 3, after the word "after," strike out "the passage of this act" and insert "May 1, A. D. 1907."

On page 1, in line 11, after the word "act," insert "And provided further, That no sponge shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than 4 inches in diameter."

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

INSPECTION OF STEAM VESSELS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4299) to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That section 4421 of the Revised Statutes of the United States be, and it is hereby, amended by adding at the end thereof the following: "Upon such inspection and approval, the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 4405. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection, as required by sections 4423, 4424, and 4426, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection as required by section 4498, and for the purposes of said section, until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate;" so that said section, when amended as above, shall read as follows:

"Sec. 4421. When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of inspectors signing it, before the chief officer of the customs of the district or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval. Upon such inspection and approval the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 4405. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection as required by sections 4423, 4424, and 4426, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection as required by section 4498, and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate."

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the votes by which the two bills were passed was ordered to lie on the table.

BLOCK SIGNALS AND AUTOMATIC CONTROL OF RAILWAY TRAINS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 153, directing

the Interstate Commerce Commission to investigate and report on block signals and appliances for the automatic control of railway trains.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the following joint resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, directed to investigate and report on the use of and necessity for block signals and appliances for the automatic control of railway trains in the United States. For this purpose the Commission is authorized to employ persons who are familiar with the subject, and may use such of its own employees as are necessary to make a thorough examination into the matter.

In transmitting its report to the Congress the Commission shall recommend such legislation as to the Commission seems advisable.

To carry out and give effect to the provisions of this resolution the Commission shall have power to issue subpoenas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State or Territory of the United States.

The SPEAKER. Is there objection?

There was no objection.

The following amendment, recommended by the Committee on Interstate and Foreign Commerce, was agreed to:

In line 5, page 1, strike out the word "signals" and insert in lieu thereof the words "signal system."

Mr. MANN. Mr. Speaker, this resolution directs the Interstate Commerce Commission to make an investigation of block signal systems, as well as appliances for the automatic control of railway trains. The object of the resolution is to gain experience and information both for the Congress and for progressive railway men. The block signal system is in use in many places and is fairly well known. But it is claimed that there are a number of automatic signal devices which are more nearly perfect as preventatives of accidents than the block signal. These automatic signal devices ought to be given an opportunity of fair trial under inspection of Government officials, who will report to Congress upon their merits unbiased by the wishes of the owners of the appliances who want them installed generally, or by the wishes of the railway officials who object to the expense of their installation.

The need of additional safeguards to prevent accidents on railways must be admitted when we consider the enormous loss of life and injury to persons, and especially to the railway employees, which the railways of our country cause each year. Railroadings are nearly as hazardous in times of peace as being a soldier in time of war. Although Congress has provided for air brakes, automatic couplers, and various other safety appliances, the installation of which has been proceeding during the last few years, yet notwithstanding this the percentage of railroad employees injured to those employed has been steadily increasing.

We have recently passed an employers' liability act, so far as the railroads are concerned. This may have some tendency toward compelling railroads to be more careful in the selection of employees, and it is at least a recognition of common sense in dealing with the matter of injuries caused by railroad accidents.

Whether Congress shall require the use of one particular kind of signal or device or whether it shall lay down certain rules, permitting a discrimination in the kind and character of the signal or device to be used, may be a question. We have no desire to confer a special benefit upon the owner of a patented device. On the other hand, there ought, as far as practicable, to be certain methods in universal use, or nearly so, on the railroads of the country. It is, however, quite certain that there must be a distinction drawn between roads in populous districts, running a large number of trains each day, with stations close together, and roads which have few trains, few stations, and in sparsely settled communities. I do not think Congress possesses sufficient information to intelligently legislate on the subject to-day, but it seems to me that the Government can properly make investigation. My observation is that much of the legislation enacted is found faulty because not sufficiently considered and because acted upon without sufficient information. Few of us know much; none of us know all. We can not learn too much.

The Commission, including its very efficient secretary, Mr. Edward A. Moseley, have already given considerable attention to this subject, and by the passage of the pending resolution it is hoped that a report and recommendations may be made to Congress which will be of great value to us.

BLOCK SIGNALS IN GREAT BRITAIN.

In Great Britain the block system is universal. The matter is under the control of the board of trade, which compels railroads to use "the requisite apparatus for providing by means of the block telegraph system an adequate interval of space between following trains and, in the case of junctions, between

converging or crossing trains." This applies to double-track roads. On single lines the train staff or tablet system is required, under rules specified by the board.

For single-track roads the electric staff and tablet system is perfect in point of protection. The track to be protected is divided into blocks or sections of such length as to best accommodate traffic conditions, the blocks usually terminating at existing stations or telegraph offices. Each section is controlled by two instruments, one at each end, and each instrument is equipped with a sufficient number of staffs to take care of the traffic conditions. No train is permitted to pass over one of these sections in either direction unless the conductor or engineer has in his possession one of these staffs. The staff really takes the place of a telegraph train order.

In moving a train from A to B, for instance, the operator at A presses a bell knob in his staff instrument, which rings a bell in the instrument at B. The operator at B then answers by pressing a similar button on his instrument, which rings a bell in the instrument at A and at the same time furnishes an electric current which unlocks the staff mechanism in the instrument at A and enables the operator there to withdraw a staff. Immediately on withdrawing the staff the operator at A once more presses his bell knob, which indicates to the operator at B that the operation is completed. The operation is visually shown by letters and indicators on the instruments, which are actuated by pressing the buttons. When a staff is withdrawn both instruments are electrically locked, and another staff can not be withdrawn from either instrument until a staff is returned to it.

The staff being withdrawn it is delivered to the train desiring to go to B, whereupon it proceeds on its way secure in the knowledge that it is the sole possessor of that section of track. On arrival at B the staff is delivered to the operator and another one is obtained which has already been withdrawn from the instrument controlling the block from B to C. The train then proceeds to C and the operator at B returns the staff given him to the instrument controlling the block from A to B, which unlocks the instrument at A, allowing another staff to be withdrawn whenever it is desired to send another train through the block from A to B.

This is an absolute block, allowing but one train in any section. This is the ideal arrangement, yet cases do occur where it is desirable to allow several trains to follow each other into the block at short intervals, in which case an attachment to the absolute machine is furnished, known as a "permissive staff." The removal of the absolute staff, which is carried through the block by the first train, unlocks the permissive-staff receptacle and allows it to be withdrawn. The permissive staff is a steel rod having eleven removable rings, any one of which authorizes a train to pass through a section. If less than twelve trains are to follow each other the last one takes all the remaining rings and the steel rod. When all the rings and the rod are received at the opposite end of the section the operator reassembles them into the complete permissive staff, which he then places in the permissive-staff receptacle. When the permissive staff is replaced in the machine it unlocks the receptacle in which the absolute staff belongs and the absolute staff can only then be replaced in the machine, unlocking the instrument at A, so as to allow another staff to be withdrawn. Thus it will be seen that in no case can two trains moving in opposite directions occupy a block at the same time, and only under well-defined restrictions can two or more trains moving in the same direction occupy a block at the same time.

The principal objection raised against the block system is the matter of cost. In this connection the following extract from an address to the directors of the Great Eastern Railway by Lord Claude Hamilton, president of the company, at the last annual meeting of the directors, makes good reading:

With regard to the block system and the interlocking of points from signal boxes many of us find fault, and I think sometimes justly so, with the board of trade, instigated by Parliament, imposing various obligations upon us. Some of these obligations, to my mind, are unnecessary or vexatious, and they add enormously to the expense of working a railway; but I am bound to say that when, twenty or twenty-five years ago, the board of trade imposed upon the railway companies of the United Kingdom the obligation of establishing a total block system and interlocking of points from signal boxes they did a thing which was of inestimable value, not only to the traveling public, but to the railway companies themselves. I recollect well when we received notice from the board of trade—and it was in those days when our finances were not in quite a flourishing condition—that we must adopt this system over the whole of the Great Eastern Railway, and I think the estimate of cost entailed upon us was certainly over a million sterling. We did not know where to look for the money; we thought at the time it was an unnecessary obligation. We got the board of trade, owing to our financial condition, to postpone their requirements, if I remember right, for some three years; but at last the work was carried out. If it had not been for that, how impossible it would have been for us to improve our seaside resorts by the fast service which we now run, and to have carried the enormous number of people that we do with comparative immunity from loss of

life. Of course, in the last two years we have had two accidents, the one at Hackney Downs and the other at Brentwood; but, with the exception for these two, we have carried our passengers with great immunity from loss of life for many years past. I always think, when one finds fault with the board of trade for some of their requirements, it is only just and right, in a matter of that kind, we should bear testimony to their foresight in forcing our companies to adopt this system, and the sooner our friends in America follow suit it will be best for their system and those who use their trains.

Mr. Edward Bates Dorsey, C. E., member of the American Society C. C. and the American Institute M. E., in speaking of the English system at a meeting of the American Society of Civil Engineers, said:

It is astonishing to see the blind faith the English engine driver places in his block signals. In dense fogs, where he can not see 100 feet ahead, or dark nights when his vision is also very limited, for his headlight is only an ordinary lantern, useless for illuminating the track and only used as a signal, the same as a tail light, or frequently when he has both the dark night and the dense fog to run through, he runs at full speed and generally on schedule time, feeling sure that he is perfectly safe because his block signals have told him so, and they can not make a mistake or lie. The underground railroad in London and the London suburban railroads afford a fine illustration of this system. Notwithstanding the proverbial London fogs, these roads run their trains, probably several thousand daily, upon schedule time and with a headway varying from three to three and a half minutes. And this is done without accident or delay.

The English Government, through the board of trade, obliges all English railroads to adopt the block system and run their trains by it, and we should follow their example. The officers of a railroad should be tried and convicted of premeditated murder in all cases of fatal accidents on their road that could have been avoided by the block system. It is no excuse for them to say that it does not answer, for it does answer perfectly in England and other European countries. The officers controlling the roads ought to be made to feel that it is cheaper and safer to properly equip the road by using the block system than to kill or maim passengers by not doing so.

BLOCK SYSTEM IN UNITED STATES.

The block system is now in use on about 40,000 miles of railroad in the United States. This does not necessarily mean that every train in this 40,000 miles is protected by a space interval, which is the fundamental principle of the block system. For instance, the block system is said to be in use on about 6,000 miles of the Southern Railway, but this is only for passenger trains running in the same direction. Its only effect, therefore, is to protect passenger trains against rear collisions. It does not guard against butting collisions, nor is it applicable to freight trains. The extent of track in this country on which a complete block system is in operation is very limited. The Cincinnati, New Orleans and Texas Pacific Railway is the best example of single-track blocking in the country, and has the distinction of being the only single-track railroad in the world with the automatic electric block signal system in use from terminal to terminal.

It is the testimony of the officials of this company that the capacity of the track has been greatly increased by means of the perfect system of block signals in use. Speaking recently of the system in use on his road, Mr. H. M. Waite, superintendent of the road, said:

The question is asked, "Is it worth the expense?" Unfortunately we can not say how many dollars the signals have actually saved—one can; but considering the old stories of three collisions a day, and now none, and the actual experience of trains saved from collisions, etc., we believe the money is well spent; and we are spending more every day for new installations and improvements in the old.

This road also uses the electric train staff in certain places and for certain operations, such as gauntlets through tunnels or over bridges or between double tracks. They operate the staff on the single-track bridge over the Ohio River, for instance. This is a gauntlet between two yards, with 100 train movements in twenty-four hours, and not a single train order is sent. For such places as this the staff is unequaled for dispatch, and as near perfect for safety as can be had, but for high speed the system is cumbersome, when it comes to picking up and delivering the staff.

The staff system is also in use to a limited extent and for special situations on the Chicago, Milwaukee and St. Paul, Atchison, Topeka and Santa Fe, Philadelphia and Reading, Chicago and Alton, Gulf, Colorado and Santa Fe, Chesapeake and Ohio, and Southern. The Union Switch and Signal Company have devised an appliance whereby it is claimed the staff may be picked up and delivered with perfect certainty and safety at a speed of 60 or 70 miles an hour, and it was stated some months ago that this company had a contract for installing the staff system on 110 miles of track between Rockland and Truckee, Nev., on the Southern Pacific, which will undoubtedly be the longest stretch of track operated by the staff system in the United States.

A full inquiry into the progress and development of the block system in this country, such as is contemplated by the resolution, is much to be desired, not alone for the purpose of furnishing Congress with information that will enable it to legislate intelligently upon the subject of block signals, but to exhibit the varying practices and principles in use on different

roads and lead to a uniform and effective code of rules for the entire country. An elaborate arrangement of signals does not necessarily mean that the road on which they are found is well or even decently protected; on the other hand, a very simple signal arrangement may accompany a complete and effective system of blocking. It all depends upon the principles or rules under which the signals are operated. In Great Britain there is a standard code of rules established and approved by the board of trade, which all companies must adhere to. In this country each road makes its own rules and modifies or annuls them to suit its own convenience whenever it sees fit to do so.

That the train dispatcher and telegraph train-order system of train operation can no longer be safely relied upon to move the enormous and constantly increasing traffic of American railroads is recognized by railroad men of experience, and our best roads are installing the block system as rapidly as possible. But there are always laggards, roads that will spend no money for anything of this kind until they are forced to do so. They had to be forced in line by means of legislation on the matter of safety appliances, and it will undoubtedly be the same on the matter of block signals.

The purpose of the joint resolution is to direct the Interstate Commerce Commission to investigate and report on the use and necessity for block-signal systems and appliances for the automatic control of railway trains in the United States and to recommend to Congress such legislation as the Interstate Commerce Commission may deem advisable after making such investigation.

MESSAGES OF THE PRESIDENT.

In his annual message sent to the Congress at the beginning of the present session in December last President Roosevelt said:

In my annual message to the Fifty-eighth Congress at its third session I called attention to the necessity for legislation requiring the use of block signals upon railroads engaged in interstate commerce. The number of serious collisions upon unblocked roads that have occurred within the past year adds force to the recommendation then made. The Congress should provide, by appropriate legislation, for the introduction of block signals upon all railroads engaged in interstate commerce at the earliest practicable date as a measure of increased safety to the traveling public.

In his annual message to the Congress, in December, 1904, the President said:

The ever-increasing casualty list upon our railroads is a matter of grave public concern and urgently calls for action by the Congress. In the matter of speed and comfort of railway travel our railroads give at least as good service as those of any other nation, and there is no reason why this service should not also be as safe as human ingenuity can make it. Many of our leading roads have been foremost in the adoption of the most approved safeguards for the protection of travelers and employees, yet the list of clearly avoidable accidents continues unduly large. The passage of a law requiring the adoption of a block-signal system has been proposed to the Congress. I earnestly concur in that recommendation. * * * Of course nothing can ever prevent accidents caused by human weakness or misconduct, and there should be drastic punishment for any railroad employee, whether officer or man, who by issuance of wrong orders or by disobedience of orders causes disaster.

INTERSTATE COMMERCE COMMISSION REPORT.

In its annual report submitted to Congress in December, 1904, the Interstate Commerce Commission said:

For the prevention of collisions we are bound to urge, with added emphasis, if possible, the same means recommended in our last annual report, namely, the adoption of the block system.

Considered strictly on its technical merits, the block system is the acme of simplicity. As was shown in connection with the proposed statute submitted with our last annual report, it is simply the embodiment of the theory that no train shall ever be started from any point on any main-line track until it is known that such track is clear of all other trains up to a certain point beyond—in other words, the theory that a space interval must always be maintained and no dependence placed on the maintenance of time intervals at stations. In the absence of this knowledge of a clear line for a definite distance we have many uncertainties, mistakes in reading time, failures of timepieces, miscalculations of speed, neglect, sleepiness or laziness of flagmen, and the numberless other faults so familiar to those who read the collision records. The block system cures these faults and prevents rear collisions.

On single-track lines, where the liability to butting collisions is a danger even greater than of rear collisions, the block system does away with another class of errors which, unless we have space-interval regulations, is harder to deal with even than those just mentioned, such as forgetting telegraphic orders and careless reading of poor handwriting on the part of trainmen, forgetting to deliver orders, or confusing different orders on the part of telegraph operators, and mistakes of dispatchers in keeping their record of trains.

In the same report the Commission said:

As to automatic versus nonautomatic signaling the question is mainly one of immediate capital expenditure. The automatic method necessitates the construction and installation of costly apparatus, but is less costly in operation than the nonautomatic or manual.

ACCIDENT BULLETINS.

By the act of Congress approved March 3, 1901, it was made the duty of railroad officials to present to the Interstate Commerce Commission monthly reports of all collisions of trains and of all accidents to trains leaving the tracks, as well as accidents

occurring to passengers or employees, with a statement of the nature and causes of the accidents and the circumstances connected therewith. This law has resulted in the publication every three months of accident bulletins by the Interstate Commerce Commission, which have been of value in studying the causes of railway accidents.

ACCIDENTS IN OCTOBER, NOVEMBER, AND DECEMBER, 1905.

From Accident Bulletin No. 18, reporting the railroad accidents during the months of October, November, and December, 1905, it appears that during those three months 1,109 passengers and employees were killed, and 17,118 were injured by railway accidents in the United States.

Of the 1,109 killed 1,008 were railway employees, 82 were passengers, and 19 were persons carried under agreement or contract, such as postal clerks, express messengers, etc. Of the 17,118 injured, 14,250 were railway employees, 2,599 were passengers, and 269 were persons carried under agreement or contract. Of the 1,109 passengers and employees killed, 320 were killed in train accidents. Of the 17,118 injured, 3,797 were injured in train accidents. Of the 320 killed in train accidents, 186 were killed in collisions. Of the 3,797 injured in train accidents, 2,177 were injured in collisions. Of the 186 killed in collisions, 155 were railway employees, 23 were passengers, and 8 were persons carried under agreement or contract. Of the 2,177 injured in collisions, 1,107 were railway employees, 970 were passengers, and 100 were persons carried under agreement or contract. Of the 186 killed in collisions, 60 were killed in rear collisions, 74 in butting collisions, 3 in collisions caused by trains separating, and 49 in collisions classified as "miscellaneous." Of the 2,177 injured in collisions, 736 were injured in rear collisions, 685 in butting collisions, 98 in collisions caused by trains separating, and 658 in collisions classified as "miscellaneous."

The total number of collisions occurring during the three months was 2,077, of which 267 affected passenger trains. Of the 2,077 collisions, 538 were rear collisions, 231 butting collisions, 294 were collisions caused by trains separating, and 1,014 collisions classified as "miscellaneous." The total damage to cars, engines, and roadway by these collisions is reported at \$1,553,085.

It appears from this report that out of the very large number of passengers and employees killed, to wit, 1,109, and injured, to wit, 17,118, during the three months, only 23 passengers were killed, and 970 injured in collisions.

INCREASE IN ACCIDENTS, 1894 TO 1904.

For the year ending June 30, 1894, the total number of persons killed on the railroads in the United States was 6,447. The total number of injured was 31,880. Of the persons killed, 1,823 were employees, 324 were passengers, and 4,300 are classified as "other persons, most of whom were trespassers."

For the year ending June 30, 1904, the total number of persons killed was 10,046; injured, 84,155. Of those killed, 3,632 were employees, 441 were passengers, and 5,973 were classified as "other persons." The number of employees killed increased from 1,823 in 1894 to 3,632 in 1904, and the number injured increased from 23,422 in 1894 to 67,067 in 1904. The number of passengers killed increased from 324 in 1894 to 441 in 1904, and the number injured increased from 3,034 in 1894 to 9,111 in 1904. In 1894, 1 railway employee out of every 428 was killed; in 1904, 1 out of every 357 was killed. In 1894, 1 railway employee out of every 33 was injured; in 1904, 1 out of every 19 was injured. In 1894, 1 trainman out of every 156 was killed; in 1904, 1 out of every 120 was killed. In 1894, 1 trainman out of every 12 was injured; in 1904, 1 out of every 9 was injured. In 1894, 1 passenger out of every 1,608,791 was killed; in 1904, 1 out of every 1,622,267 was killed. In 1894, 1 passenger out of every 178,210 was injured; in 1904, 1 out of every 78,523 was injured.

The following tables give the data on these points in 1894 to 1904:

Comparative summary of railway accidents for the years ending June 30, 1894 to 1904.

Year.	Employees.		Passengers.		Other persons.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1894.....	1,823	23,422	324	3,034	4,300	5,433	6,447	31,880
1895.....	1,811	25,696	170	2,375	4,155	5,677	6,136	33,748
1896.....	1,861	29,969	181	2,873	4,406	5,845	6,448	38,687
1897.....	1,693	27,667	222	2,795	4,522	6,269	6,437	36,731
1898.....	1,958	31,761	221	2,945	4,680	6,176	6,859	40,882
1899.....	2,210	34,923	239	3,442	4,674	6,255	7,123	44,620
1900.....	2,550	39,643	249	4,128	5,066	6,549	7,865	50,320
1901.....	2,675	41,142	282	4,988	5,498	7,309	8,455	53,339
1902.....	2,969	50,524	345	6,983	5,274	7,455	8,588	64,662
1903.....	3,606	60,481	355	8,231	5,879	7,841	9,840	76,553
1904.....	3,632	67,067	441	9,111	5,973	7,977	10,046	84,155

Comparative summary showing number of employees, train men, and passengers for one killed and for one injured in the United States, for the years ending June 30, 1894 to 1904.

Year.	Number of employees for one—		Number of train men for one—		Number of passengers for one—	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1894.....	428	33	156	12	1,668,791	178,210
1895.....	433	31	155	11	2,984,832	213,651
1896.....	444	28	152	10	2,827,474	178,132
1897.....	486	30	165	12	2,204,708	175,115
1898.....	447	28	150	11	2,267,270	170,141
1899.....	420	27	155	11	2,189,023	151,998
1900.....	399	26	137	11	2,316,648	189,740
1901.....	400	26	136	13	2,153,469	121,748
1902.....	401	24	135	10	1,883,706	97,244
1903.....	364	22	123	10	1,957,441	84,424
1904.....	357	19	120	9	1,622,267	78,523

Notwithstanding the fact that the safety appliance act has caused a great increase in the number of cars equipped with air brakes, automatic couplers, and other safety appliances during these years, the tables above given show not only a great actual increase in the number of persons killed and injured by the railways, but also a great comparative increase in comparison with the number of employees and the number of passengers. This increase of killed and injured contemporaneously with the increase of safety appliances is certainly not to be charged to the use of the safety appliances, but must be explained by other causes. Whatever may be the causes for the increase in the percentage of persons killed and injured, the fact challenges attention and demands investigation.

For the year ending June 30, 1902, one passenger was killed for every 57,072,283 carried 1 mile; for the year ending June 30, 1903, one was killed for every 58,917,645 carried 1 mile, while for the year ending June 30, 1904, one was killed for every 49,712,502 carried 1 mile.

ACCIDENTS IN ENGLAND AND UNITED STATES COMPARED.

A comparison of the number of persons killed and injured in the working of railways by accidents in the United States for the year ending June 30, 1904, and in the United Kingdom (Great Britain and Ireland) for the calendar year 1904, shows there were in those years, respectively, 10,046 persons killed in the United States as against 1,073 in the United Kingdom, and there were injured 84,155 in the United States as against 18,802 in the United Kingdom. The number of passengers killed in the United States was 441; in the United Kingdom, 127; passengers injured in the United States, 9,111; in the United Kingdom, 3,487. The number of passengers killed because of collisions and derailments in the United States was 262; in the United Kingdom, 6; the number injured in the United States was 4,978; in the United Kingdom, 521. The number of train men killed in consequence of collisions and derailments in the United States was 613; in the United Kingdom, 6; the number of injured from the same cause in the United States was 4,337; in the United Kingdom, 99.

A comparison of the three months' period of July, August, and September, 1905, shows that passengers and employees were killed in the United States to the number of 1,053; in the United Kingdom, 210. Injured in the United States, 16,386; in the United Kingdom, 4,305. During this period passengers were killed to the number of 99 in the United States, 66 in the United Kingdom; injured, 2,904 in the United States, 962 in the United Kingdom. During the same period the number of passengers killed in train accidents was 31 in the United States and 31 in the United Kingdom; injured, 1,653 in the United States, 215 in the United Kingdom. Of the passengers killed during this period 15 in the United States and 21 in the United Kingdom were killed in train collisions and 952 in the United States and 135 in the United Kingdom were injured in train collisions. During the same three months there were 1,605 train collisions in the United States and 103 in the United Kingdom.

During the three months' period of April, May, and June, 1905, passengers and employees were killed to the number of 886 in the United States and 130 in the United Kingdom; injured in the United States, 13,783; in the United Kingdom, 3,922. In the same period 82 passengers were killed in the United States and in the United Kingdom 27; 2,163 passengers were injured in the United States and 658 in the United Kingdom. In the United States 5 and in the United Kingdom 2 passengers were killed by train collisions; in the United States 549 and in the United Kingdom 34 passengers were injured by train collisions.

A comparison of the three months' period, January, February, and March, 1905, shows that passenger and railway employees were killed in the United States to the number of 909, in the United Kingdom to the number of 114; injured in the United

States, 14,397; in the United Kingdom, 1,526. During this period passengers were killed to the number of 64 in the United States, 29 in the United Kingdom. The number of passengers killed in train accidents was 28 in the United States and 5 in the United Kingdom; injured, 1,651 in the United States, 90 in the United Kingdom. Of the passengers killed, 18 in the United States and 5 in the United Kingdom were killed in train collisions, and 834 in the United States and 86 in the United Kingdom were injured in train collisions. During the same three months there were 1,787 collisions in the United States, in the United Kingdom, 96, including trains running through gates, etc.

Comparison of railway accidents in United Kingdom for calendar year 1903 and in United States for year ending June 30, 1903.

	United Kingdom.		United States.	
	Killed.	Injured.	Killed.	Injured.
Passengers.....	156	3,413	355	8,231
Employees.....	497	14,356	3,606	60,481
Other persons.....	589	788	5,879	7,841
Total.....	1,242	18,557	9,840	76,553
Trespassers.....	442	5,000	5,079
Passengers in collisions.....	19	603	123	2,975
Employees in collisions.....	7	104	574	8,772
Mileage.....	22,380	205,313

RAILWAY GROUPS IN UNITED STATES.

The Interstate Commerce Commission has, for statistical purposes, divided the railroads of the United States into various territorial groups.

While these groups are not wholly arranged by State lines, and in a number of cases portions of States are put in different groups in accordance with natural railroad divisions, yet, roughly speaking, the groups may be said to be composed as follows:

- Group 1: New England States.
- Group 2: New York, New Jersey, Delaware, Pennsylvania, and Maryland.
- Group 3: Ohio, Indiana, Michigan.
- Group 4: Virginia, West Virginia, North Carolina, South Carolina.
- Group 5: Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi.
- Group 6: Illinois, Wisconsin, Minnesota, Iowa, and those portions of Missouri, North Dakota, South Dakota north and east of the Missouri River.
- Group 7: Nebraska, Wyoming, Montana, and parts of North Dakota, South Dakota, and Colorado.
- Group 8: Arkansas, Indian Territory, Oklahoma, Kansas, and parts of Missouri, Colorado, New Mexico.
- Group 9: Texas, part of New Mexico.
- Group 10: Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, part of New Mexico.

DANGER OF TRAVEL NOT GREAT.

It is not easy to make just comparisons of accidents or the probability of accidents. It is unfortunate that the statistical work of the Interstate Commerce Commission has not been more thorough and complete, both in the collection, arrangement, and comparison of the statistics relating to railway accidents. The publication of the fact that in a given year (year ending June 30, 1904) 10,046 persons were killed and 84,155 were injured in railway accidents is enough to make a contemplating traveler have cold shivers; but when it is ascertained that in that year only 262 passengers were killed and 4,978 were injured by collisions and derailments in the whole United States, the danger of travel does not seem so great.

ACCIDENTS AND MILEAGE IN GREAT BRITAIN AND GROUPS IN UNITED STATES COMPARED.

It is frequently asserted and generally believed that railway accidents are much more common in the United States than in Great Britain. A comparison of the statistics of the two countries is interesting, and an analytical and thorough comparison would undoubtedly be of considerable value. Too much stress should not be laid upon any of the comparisons made in this report, for the reason that statistics of accidents for particular years lose much of their value unless compared with the average for a long series of years. However, most of the statistics referred to in this report are of nearly fair average value and in general may be relied upon as furnishing a fair comparison one set with another.

The length of railways in the United Kingdom (Great Britain and Ireland) at the end of the calendar year 1904 was 22,600 miles. Much of this was double track. The length of 1904, was 212,243, most of which was single track. The railway length in the United States was nearly ten times as great as in the United Kingdom. The number of persons killed in the United States was 10,046, in the United Kingdom 1,158;

the number injured in the United States was 84,155, in the United Kingdom 18,802. The number killed and the number injured in the United Kingdom were greater per mile than in the United States.

If we compare the New England railroads with those of the United Kingdom we find that New England had a railway length of 8,063 miles, more than one-third the length in the United Kingdom. The number of passengers killed in group 1 (New England) in train and vehicle movements was 8, in the United Kingdom 115; the number injured in group 1 was 210, in the United Kingdom 2,669.

In group 2 (comprising New York, New Jersey, Pennsylvania, Delaware, and Maryland) the railway length was 23,022 miles. The number of passengers killed in train and vehicle movements was 113, as compared with 115 in the United Kingdom; the number injured was 2,173 in group 2, as compared with 2,669 in the United Kingdom.

In group 3 (comprising Ohio, Indiana, and Michigan) the railway length was 24,957, which was greater than the length in the United Kingdom. The number of passengers killed in group 3 in train and vehicle movements was 73, as against 115 in the United Kingdom; the number injured in group 3 was 1,183, as against 2,669 in the United Kingdom.

Group 6 comprises Illinois, Iowa, Wisconsin, Minnesota, and parts of Missouri, North Dakota, and South Dakota, and has a railway length of 47,597 miles, more than twice as great a length as the United Kingdom. The number of passengers killed in group 6 in train and vehicle movements was 64 and the number injured 1,627, a far less number than was killed and injured in the United Kingdom.

But while the total number of passengers killed in the United States was less in proportion to railway length than in the United Kingdom, yet the proportion killed and injured by collisions and derailments was considerably greater.

It should be remembered also that more than one-half of the persons killed by railway accidents in the United States are trespassers who have no right to be upon the tracks, and that this condition is caused by the enormous railway mileage where it is at present practically impossible to prevent public access to the tracks.

An examination of the statistics of railway accidents in the United States tends toward the conclusion that accidents are proportionately more numerous in those portions of the country where the roads are mainly single track. Doubt is thrown upon such a conclusion, however, by the fact that the largest percentage of employees killed and injured in the movement of trains and railway vehicles per mile of track is in group 2. With a mileage slightly in excess of the mileage in the United Kingdom, the number of employees killed and injured in the movement of trains and railway vehicles in this group was 952 killed and 9,222 injured, as compared with 416 killed and 3,921 injured in the United Kingdom.

For the year ending June 30, 1904, 1,622,267 passengers were carried in the United States for each 1 mile. In the New England States 15,080,587 were carried for each 1 mile. In group 2, 2,351,030 were carried for each 1 mile. In group 4 (comprising Virginia, West Virginia, North Carolina, and South Carolina), only 571,767 passengers were carried for each one killed.

Comparison of railway length and accidents in the United Kingdom for the calendar years 1903 and 1904, and in the United States and in certain groups for the years ending June 30, 1903 and 1904.

	Railway length.	Total number of persons—		In movement of train and railway vehicles.						In collisions and derailments.			
		Killed.	Injured.	Total.		Passengers.		Employees.		Passengers.		Employees.	
				Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
United Kingdom:	Miles.												
1903	22,380	1,242	18,557	1,159	6,785	148	2,681	455	3,805	25	760	9	124
1904	22,600	1,158	18,802	1,073	6,889	115	2,669	416	3,921	6	521	6	99
United States:													
1903	205,313	9,840	76,553	9,605	48,361	355	7,971	3,408	32,820	173	4,584	793	5,408
1904	212,243	10,046	84,155	9,801	52,916	441	8,810	3,416	36,413	262	4,978	723	5,329
Group 1—													
1903	8,013	639	2,357	627	1,557	12	210	213	1,079	4	82	25	145
1904	8,063	612	2,490	604	1,786	8	210	195	1,297	1	70	18	132
Group 2—													
1903	22,759	2,947	20,133	2,898	12,930	85	2,088	1,010	8,844	27	854	145	853
1904	23,022	2,833	21,010	2,757	13,309	113	2,173	952	9,222	66	806	148	906
Group 3—													
1903	24,258	1,629	13,895	1,601	8,726	33	1,022	552	6,403	20	695	119	809
1904	25,957	1,832	15,593	1,799	9,874	73	1,183	589	7,397	56	805	123	968
Group 4—													
1903	11,974	595	6,615	579	3,573	23	615	187	2,371	9	356	60	434
1904	12,192	613	5,471	603	3,069	30	402	176	2,030	20	219	61	434
Group 5—													
1903	23,291	855	8,102	831	4,968	49	809	307	3,325	29	570	72	631
1904	23,847	895	7,897	871	4,980	50	630	329	3,510	34	370	89	758
Group 6—													
1903	46,357	1,590	8,822	1,549	6,129	59	1,030	542	4,129	26	719	86	582
1904	47,597	1,610	11,588	1,585	7,986	64	1,627	561	5,305	35	1,100	120	900

In this group in 1903, 702,518 passengers were carried for each one killed.

But the number of passengers carried for each one killed is far greater for a series of years in New England than in any other portion of the United States, and on the average a much larger number of passengers were carried for one killed where the community is thickly settled and the passenger traffic heavy than in the more sparsely settled communities or where the passenger traffic is much lighter.

Bearing this fact in mind, and deducting the much larger number of trespassers killed here than in Great Britain, the statistics would seem to indicate that the railways in the United Kingdom are as dangerous to life and limb as those in the United States.

An examination and comparison of the statistics of the two countries, however, apparently indicate that more persons in proportion are killed in the United Kingdom because of the character of construction of the railway carriages or coaches than in the United States, while a considerably larger proportion seems to have been killed in the United States by reason of collisions of trains or derailments than in the United Kingdom.

DANGER TO EMPLOYEES.

A most casual examination of the statistics of both countries shows how enormously dangerous is the occupation of railroading.

There were 3,662 employees killed on the railroads in the United States during the year ending June 30, 1904. In the same period there were 67,067 injured. Three thousand four hundred and sixteen employees were killed in connection with the movement of trains and other railway vehicles and 36,413 were injured in the same connection. Seven hundred and twenty-three employees were killed and 5,329 were injured by collisions and derailments in the same year. The number of railway employees killed and injured each year constitutes an army, and is about as great as the entire army of the United States as it now exists.

In the opinion of the committee it is important that a thorough examination be instituted for the purpose of discovering what further devices and appliances can be adopted within reasonable limits of cost which will tend to make the occupation of railroading less hazardous and travel by the public less dangerous.

Summary showing number of passengers and trainmen for one killed, injured, etc., in the United States and by groups for the year ending June 30, 1904.

	Passengers carried for 1 killed.	Passengers carried 1 mile for 1 killed.	Passengers carried for 1 injured.	Passengers carried 1 mile for 1 injured.	Number trainmen for 1 killed.	Number trainmen for 1 injured.
United States	1,622,267	49,712,502	78,523	2,406,236	120	9
Group 1	15,080,587	291,060,815	511,206	9,866,468	141	16
Group 2	2,351,030	50,482,064	115,658	2,463,445	119	9
Group 3	1,058,936	40,999,273	61,941	2,398,195	115	7
Group 4	571,767	23,242,445	42,249	1,717,422	84	7
Group 5	720,248	28,376,497	55,575	2,189,545	95	7
Group 6	1,709,326	59,558,895	66,221	2,307,366	131	11
Group 7	1,219,880	127,111,226	27,108	2,824,694	152	9
Group 8	424,363	26,159,174	16,402	1,011,080	115	7
Group 9	1,044,086	53,221,451	40,758	2,077,714	175	9
Group 10	1,981,776	88,898,345	106,438	4,774,591	170	15

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title was amended by striking out the word "signals" and inserting in lieu thereof the words "signal system."

WHARVES, PIERS, ETC., IN PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I call up from the Speaker's table the conference report on the bill (H. R. 15502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto.

The SPEAKER. The gentleman from Wisconsin presents a conference report, which will be read by the Clerk.

The Clerk read the conference report.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15502) to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment on page 3, line 24, after "Secretary of War," as follows: "Provided, however, That vessels having contracts with the Government of the United States for carrying the mails may, with the consent of the owner of said structure and under the control and direction of the Secretary of War, be given a preference to expedite the landing and discharge of their cargoes at said structure."

That the House recede from its disagreement to all other amendments of the Senate, and agree to the same.

HENRY ALLEN COOPER,
EDGAR D. CRUMPACKER,
WM. T. ZENOR,

Managers on the part of the House of Representatives.

J. B. FORAKER,
GEO. PEABODY WETMORE,
S. R. MALLORY,

Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The managers of the House on the disagreeing votes of the two Houses on the amendments of the Senate to House bill (H. R. 15502) entitled "An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto," state that the House receded from its disagreement to Senate amendment No. 1, inserting on page 2, line 13, after the word "or" at the end of the line, the words "with the approval of the Secretary of War."

The bill as it passed the House provided that either the Government of the United States or the government of Porto Rico should have the right, after the expiration of thirty years, to take any structure built under the provisions of the act after paying the value of the same, etc. The amendment simply inserts the words "with the approval of the Secretary of War," so that as amended the act provides "that the Government of the United States, or, with the approval of the Secretary of War, the government of Porto Rico, shall have the right at any time after the expiration of thirty years from the date of such authorization, and after three months' notice, to take any such structure from the owner thereof upon paying the value of the same at the time it shall be so taken," etc.

The House receded from its disagreement to Senate amendment No. 2, inserting on page 2, line 22, after the words "Porto Rico," the words "exercising the right of purchase, as aforesaid." This is a verbal amendment which simply makes clearer the intent of the original bill.

The House receded from its disagreement to Senate amendment No. 3, inserting on page 3, line 1, before the word "Government," the words "Secretary of War for the." The original bill provided for the appointment of a board of four members, two of whom should be appointed by the Government of the United States, etc. This amendment simply provides that the

Secretary of War shall act for the Government of the United States in making such appointments.

The House receded from its disagreement to Senate amendment No. 4, inserting on page 3, line 2, after the word "or," the words "by the governor of Porto Rico for." The original bill provides for the appointment of a board, two of whom might be appointed by the government of Porto Rico. This amendment simply provides that these appointments shall be made by the governor of Porto Rico for the government of Porto Rico.

The House receded from its disagreement to Senate amendment No. 5, inserting on page 3, line 2, after the words "Porto Rico," the words "as the case may be." This is a mere verbal amendment making clearer the intent of the original bill.

The Senate receded from its amendment No. 6, inserting on page 4, line 2, after the words "Secretary of War," at the end of paragraph (c), the following proviso: "Provided, however, That vessels having contracts with the Government of the United States for carrying the mail may, with the consent of the owner of said structure and under the control and direction of the Secretary of War, be given a preference to expedite the landing and discharge of their cargoes at said structure."

The amendments agreed upon do not at all change the effect of the bill as it passed the House, but only make clearer its meaning.

HENRY ALLEN COOPER,
EDGAR D. CRUMPACKER,
WM. T. ZENOR,

Managers on the part of the House.

Mr. COOPER of Wisconsin. I move the adoption of the report.

The conference report was agreed to.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

UNITED STATES COURT, DAYTON, OHIO.

Mr. NEVIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18854) providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a bill, which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act there shall be held at the city of Dayton, in the southern district of Ohio, a term of both the circuit and district courts of said district on the first Monday in May and November of each year.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

COST OF ARMOR PLATE.

Mr. FOSS. Mr. Speaker, I submit a privileged report upon House resolution 528, a resolution of inquiry.

The SPEAKER. The gentleman from Illinois calls up the following privileged resolution.

Mr. FOSS. I call for the reading of the resolution and also the report.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to report to the House of Representatives all information secured by him in pursuance of the act of March 3, 1905, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes," requiring the Secretary of the Navy to make a thorough inquiry as to the cost of armor plate and armor plant, and further requiring a report of such inquiry to be made to Congress, and that the Secretary of the Navy be, and he is hereby, further requested to inform the House of Representatives of the extent of the inquiry made by him or the Navy Department under said requirement.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred House resolution No. 528, after a careful consideration of the same, report it back and recommend that it do pass.

Mr. FOSS. I move the adoption of the resolution.

The resolution was agreed to.

EUCLID STREET, MERIDIAN HILL, DISTRICT OF COLUMBIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I call up the bill (S. 2623) for the extension of Euclid street, in Meridian Hill, District of Columbia, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker—

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to know whether there are any charges imposed on the Federal Government by this bill?

Mr. CAMPBELL of Kansas. The bill contemplates no charge whatever on either the District or the General Government. The whole expense of the proceeding is to be charged as benefits to the property affected.

Mr. KEIFER. There is so much noise we could not hear the statement of the gentleman. I desire to know whether there is any general law in the District of Columbia for the condemnation of private property, or whether it is necessary in every case, as this would seem to indicate, that we should pass a long bill in order to enact it into law.

Mr. CAMPBELL of Kansas. Mr. Speaker, this is a Senate bill that has been on the Speaker's table for some time. Since the bill came over from the Senate the Committee on the District of Columbia have agreed upon a much shorter form, and the bill providing for that form is now on the Calendar and will be used hereafter in cases of this kind.

Mr. KEIFER. Is it possible that hitherto we have always had to pass a long special act?

Mr. CAMPBELL of Kansas. That is true.

Mr. KEIFER. That is a remarkable commentary upon the legislation of Congress.

The SPEAKER. Is there objection?

Mr. SIMS. Is this by unanimous consent?

The SPEAKER. It is.

Mr. SIMS. I have no objection, but I desire to make a statement.

The SPEAKER. The gentleman has no objection to the present consideration of the bill?

Mr. SIMS. No, sir.

The SPEAKER. The gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, I consented that this bill might be considered and passed for the reason that the bill provides that all damages are to be assessed against the abutting and adjacent property owners, and that no charge shall be made against the District of Columbia or the Government of the United States. I was so particular about that matter that a gentleman who is well known to every Member of the House stated to me, and in addition wrote me a letter, that every property owner that would be affected agreed to this matter. I now read that letter:

WASHINGTON, D. C., April 8, 1906.

Hon. THETUS W. SIMS.

DEAR SIR: In response to your inquiry relative to the extension of Euclid street from Champlain street to Columbia road, permit me to say that all persons who will be assessed for the benefit as a result of such street extension are heartily in favor thereof.

Very truly, yours,

C. K. BERRYMAN.

Upon the statement in that letter I consented to the passage of the bill.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider was laid on the table.

COMMITTEE ON IRRIGATION OF ARID LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that leave be granted to the Committee on Irrigation of Arid Lands to print for the use of the committee hearings held before it on the operations of the reclamation law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THOMAS GARRETT.

The SPEAKER laid before the House the following resolution of the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 18236) granting an increase of pension to Thomas Garrett, the beneficiary having died.

The request was agreed to.

LEAVES OF ABSENCE.

Mr. PALMER, by unanimous consent, was granted leave of absence indefinitely, on account of important business.

Mr. BROWN, by unanimous consent, was granted leave of absence indefinitely, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the reference of S. 5810, an act granting an increase of pension to Thomas McGowan, was changed from the Committee on Pensions to the Committee on Invalid Pensions.

LICENSE TO STEAMERS FOR DISCHARGE OF CARGOES BETWEEN SUNSET AND SUNRISE.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the

Union from the consideration of the bill S. 7099, to amend section 2871 of the Revised Statutes, and that the same be considered at this time.

The Clerk read the bill, as follows:

A bill to amend section 2871 of the Revised Statutes.

Be it enacted, etc., That section 2871 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"Sec. 2871. Upon arrival at any port in the United States of a steamship from a foreign port or place, or upon the arrival of a steamship from another port in the United States belonging to a line designated by the Secretary of the Treasury as a common carrier of bonded merchandise, the collector of customs, with the concurrence of the naval officer, where there is one, upon or after the issuing of a general order, shall grant, upon proper application therefor, a special license to unlade the cargo of said vessel at night—that is to say, between sunset and sunrise; but before any such special license is granted the master, agents, or consignees of the vessel shall execute and deliver to the collector a good and sufficient bond, to be approved by him, conditioned to indemnify and save the collector harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special license. And any liability of the master or owner of any such steamship to the owner or consignee of any merchandise landed from her shall not be affected by the granting of such special license or of any general order, but such liability shall continue until the merchandise is properly removed from the dock whereon the same may be landed. The collector, under such general regulations as the Secretary of the Treasury may prescribe, shall fix a uniform and reasonable rate of compensation for like service, to be paid by the master, owner, or consignee whenever such special license is granted, and shall collect and distribute the same among the inspectors assigned to superintend the unloading of the cargo."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6067. An act to change the records of the War Department relative to Levi A. Meacham;

H. R. 13245. An act to correct the military record of Henry Gude;

H. R. 13735. An act for the relief of John Purkapile;

H. R. 14184. An act to extend the irrigation act to the State of Texas;

H. R. 1982. An act granting a pension to Ada Collins;

H. R. 5911. An act granting a pension to Edward D. Lockwood, alias George E. McDaniel;

H. R. 6120. An act granting a pension to Harriet M. Smithers;

H. R. 6533. An act granting a pension to Horace Salter;

H. R. 6878. An act granting a pension to Lucy Brown;

H. R. 13824. An act granting a pension to Noah Myers;

H. R. 14678. An act granting a pension to James A. Boggs;

H. R. 16272. An act granting a pension to William D. Willis;

H. R. 16595. An act granting a pension to James R. Hicks;

H. R. 16918. An act granting a pension to Matilda J. Williams;

H. R. 17340. An act granting a pension to Julia Walz;

H. R. 17940. An act granting a pension to Rhett Florence

Tilton;

H. R. 18034. An act granting a pension to Mary A. Montgomery;

H. R. 18426. An act granting a pension to Elizabeth Hathaway;

H. R. 18460. An act granting a pension to Benjamin F. Tudor;

H. R. 18966. An act granting a pension to John W. Ward;

H. R. 612. An act granting an increase of pension to George W. Kohler;

H. R. 1034. An act granting an increase of pension to John Logan;

H. R. 1178. An act granting an increase of pension to Herman Buckthal;

H. R. 1247. An act granting an increase of pension to Columbus Botts;

H. R. 19005. An act granting a pension to Gideon M. Burris;

H. R. 1788. An act granting an increase of pension to William D. Christy;

H. R. 2092. An act granting an increase of pension to Franklin M. Hill;

H. R. 2237. An act granting an increase of pension to Martin Pool;

H. R. 2247. An act granting an increase of pension to Anthony Sanspeur;

H. R. 1438. An act granting an increase of pension to Oliver T. Smith;

H. R. 1614. An act granting an increase of pension to Jacob H. Lynch;

H. R. 1650. An act granting an increase of pension to Frank B. Watkins;

- H. R. 1736. An act granting an increase of pension to Charles A. Walker;
 H. R. 2265. An act granting an increase of pension to Hudson J. Van Scoter;
 H. R. 2785. An act granting an increase of pension to Margaret Bonyng;
 H. R. 3243. An act granting an increase of pension to John H. Anderson;
 H. R. 3351. An act granting an increase of pension to George King;
 H. R. 3488. An act granting an increase of pension to Egbert J. Olds;
 H. R. 3495. An act granting an increase of pension to Charles F. Tower;
 H. R. 3572. An act granting an increase of pension to William L. Riley;
 H. R. 3588. An act granting an increase of pension to William H. Riggin;
 H. R. 4161. An act granting an increase of pension to Robert Beatty;
 H. R. 4241. An act granting an increase of pension to David B. Coleman;
 H. R. 4597. An act granting an increase of pension to Martin Ellison;
 H. R. 4715. An act granting an increase of pension to John H. Whiting;
 H. R. 6205. An act granting an increase of pension to Lucy E. Engler;
 H. R. 6208. An act granting an increase of pension to William D. Conner;
 H. R. 6422. An act granting an increase of pension to Anthony Van Slyke;
 H. R. 6505. An act granting an increase of pension to Mary C. Chapman;
 H. R. 4956. An act granting an increase of pension to James C. Bryant;
 H. R. 5040. An act granting an increase of pension to Joseph Montgomery;
 H. R. 5560. An act granting an increase of pension to Henry Chubb;
 H. R. 6059. An act granting an increase of pension to Elias Hanes;
 H. R. 8155. An act granting an increase of pension to Henry E. Seelye;
 H. R. 8232. An act granting an increase of pension to James M. Jared;
 H. R. 8795. An act granting an increase of pension to Orrin A. A. Gardner;
 H. R. 8736. An act granting an increase of pension to Lowell M. Maxham;
 H. R. 8722. An act granting an increase of pension to Arthur M. Lee;
 H. R. 7836. An act granting an increase of pension to Alexander G. Patton;
 H. R. 7535. An act granting an increase of pension to John L. Moore;
 H. R. 7402. An act granting an increase of pension to Edwin M. Todd;
 H. R. 7244. An act granting an increase of pension to Christopher S. Guthrie;
 H. R. 7147. An act granting an increase of pension to Bronson Rothrock;
 H. R. 6774. An act granting an increase of pension to John Platt;
 H. R. 6596. An act granting an increase of pension to Alex. O. Huffman;
 H. R. 9862. An act granting an increase of pension to William B. Warren;
 H. R. 9844. An act granting an increase of pension to John J. Erick;
 H. R. 9828. An act granting an increase of pension to John Broughton;
 H. R. 9609. An act granting an increase of pension to Jesse M. Auchmuty;
 H. R. 9531. An act granting an increase of pension to Eliza Rogers;
 H. R. 9243. An act granting an increase of pension to Joseph A. Barnard;
 H. R. 8852. An act granting an increase of pension to Frederick W. Clark;
 H. R. 8817. An act granting an increase of pension to Calvin M. Latham;
 H. R. 11057. An act granting an increase of pension to Lewis J. Post;
 H. R. 10805. An act granting an increase of pension to Alexander Caldwell;
 H. R. 10828. An act granting an increase of pension to Michael Lennon;
 H. R. 10794. An act granting an increase of pension to Jacob Schultz;
 H. R. 11152. An act granting an increase of pension to Theodore S. Currier;
 H. R. 11161. An act granting an increase of pension to Michael Aaron;
 H. R. 11260. An act granting an increase of pension to James H. Van Camp;
 H. R. 11457. An act granting an increase of pension to Cyrus Vanmatre;
 H. R. 11855. An act granting an increase of pension to Mary Ann Shelly;
 H. R. 12184. An act granting an increase of pension to Joseph Sprauer;
 H. R. 12330. An act granting an increase of pension to Hester A. Van Derslice;
 H. R. 12336. An act granting an increase of pension to Margaret A. Montgomery;
 H. R. 13069. An act granting an increase of pension to Friend S. Esmond;
 H. R. 12971. An act granting an increase of pension to Matthew H. Brandon;
 H. R. 12879. An act granting an increase of pension to Catharine Myers;
 H. R. 12418. An act granting an increase of pension to Thomas P. Crandall;
 H. R. 13993. An act granting an increase of pension to Joseph Watson;
 H. R. 13594. An act granting an increase of pension to Jonathan Snook;
 H. R. 13443. An act granting an increase of pension to James E. Hammontree;
 H. R. 13149. An act granting an increase of pension to Ida L. Martin;
 H. R. 14729. An act granting an increase of pension to David Ford;
 H. R. 14702. An act granting an increase of pension to Christian Schlosser;
 H. R. 14661. An act granting an increase of pension to John B. Bussell;
 H. R. 14264. An act granting an increase of pension to John H. Eversole;
 H. R. 15288. An act granting an increase of pension to Benjamin F. Finical;
 H. R. 15126. An act granting an increase of pension to William K. Trabee;
 H. R. 15104. An act granting an increase of pension to Thomas E. Owens;
 H. R. 15056. An act granting an increase of pension to James Ramsey;
 H. R. 16109. An act granting an increase of pension to Jacob Cline;
 H. R. 16073. An act granting an increase of pension to John Ginther;
 H. R. 16005. An act granting an increase of pension to Hezekiah J. Reynolds;
 H. R. 15613. An act granting an increase of pension to William W. Combs;
 H. R. 16496. An act granting an increase of pension to Thomas Dalley;
 H. R. 16492. An act granting an increase of pension to John M. Logan;
 H. R. 16441. An act granting an increase of pension to Joseph J. Goode;
 H. R. 16252. An act granting an increase of pension to Adam Dixon;
 H. R. 16682. An act granting an increase of pension to William Hammond;
 H. R. 16662. An act granting an increase of pension to Van Buren Beam;
 H. R. 16565. An act granting an increase of pension to George H. Gordon, alias Gorton;
 H. R. 16525. An act granting an increase of pension to Mary Amanda Nash;
 H. R. 16812. An act granting an increase of pension to Dudley McKibben;
 H. R. 16915. An act granting an increase of pension to Orange Bugbee;
 H. R. 16842. An act granting an increase of pension to Thomas H. Thornburgh;

H. R. 16977. An act granting an increase of pension to Isabel Newlin;
 H. R. 16998. An act granting an increase of pension to Elijah Curtis;
 H. R. 17170. An act granting an increase of pension to Jackson D. Turley;
 H. R. 17171. An act granting an increase of pension to David H. Parker;
 H. R. 17210. An act granting an increase of pension to Daniel M. Vertner;
 H. R. 17309. An act granting an increase of pension to John W. Chase;
 H. R. 17346. An act granting an increase of pension to Newton S. Davis;
 H. R. 17374. An act granting an increase of pension to Isom Wilkerson;
 H. R. 17388. An act granting an increase of pension to Patrick McCarthy;
 H. R. 17390. An act granting an increase of pension to Mary Sheehan;
 H. R. 17445. An act granting an increase of pension to William H. Farrell;
 H. R. 17466. An act granting an increase of pension to James P. Hall;
 H. R. 17476. An act granting an increase of pension to Henry Ballard;
 H. R. 17542. An act granting an increase of pension to John Cain;
 H. R. 17590. An act granting an increase of pension to Jacob Woodruff;
 H. R. 17637. An act granting an increase of pension to Gardiner K. Haskell;
 H. R. 17678. An act granting an increase of pension to Alexander Moore;
 H. R. 17772. An act granting an increase of pension to John W. Henry;
 H. R. 17825. An act granting an increase of pension to Bolivar Ward;
 H. R. 17872. An act granting an increase of pension to Allen D. Metcalfe;
 H. R. 17891. An act granting an increase of pension to Eliza M. Buice;
 H. R. 17922. An act granting an increase of pension to Thomas D. Adams;
 H. R. 17920. An act granting an increase of pension to Sallie E. Blanding;
 H. R. 17934. An act granting an increase of pension to Thomas J. Byrd;
 H. R. 17935. An act granting an increase of pension to Andrew C. Woodard;
 H. R. 17938. An act granting an increase of pension to Clarissa L. Dowling;
 H. R. 17999. An act granting an increase of pension to Samuel Xehl;
 H. R. 18038. An act granting an increase of pension to Erastus W. Briggs;
 H. R. 18039. An act granting an increase of pension to John W. Stephens;
 H. R. 18041. An act granting an increase of pension to William R. Hiner;
 H. R. 18052. An act granting an increase of pension to John Lewis Bernard Breighner;
 H. R. 18073. An act granting an increase of pension to Mary McFarlane;
 H. R. 18076. An act granting an increase of pension to Elizabeth Bartley;
 H. R. 18105. An act granting an increase of pension to John A. Lyle;
 H. R. 18106. An act granting an increase of pension to Mary E. Patterson;
 H. R. 18121. An act granting an increase of pension to John W. Jones;
 H. R. 18132. An act granting an increase of pension to John W. Blanchard;
 H. R. 18184. An act granting an increase of pension to John J. Howells;
 H. R. 18239. An act granting an increase of pension to Bryant Brown;
 H. R. 18243. An act granting an increase of pension to Jacob S. Rickard;
 H. R. 18249. An act granting an increase of pension to Hiram G. Hunt;
 H. R. 18262. An act granting an increase of pension to John H. Broadway;

H. R. 18308. An act granting an increase of pension to Clay Riggs;
 H. R. 18310. An act granting an increase of pension to Virgil A. Bayley;
 H. R. 18319. An act granting an increase of pension to Newton Kinnison;
 H. R. 18355. An act granting an increase of pension to Rachel A. Webster;
 H. R. 18356. An act granting an increase of pension to William A. Custer;
 H. R. 18357. An act granting an increase of pension to William E. Starr;
 H. R. 18367. An act granting an increase of pension to John Wilkinson;
 H. R. 18378. An act granting an increase of pension to Martha A. Dunlap;
 H. R. 18399. An act granting an increase of pension to Pauline Bietry;
 H. R. 18400. An act granting an increase of pension to Elmira M. Cause;
 H. R. 18402. An act granting an increase of pension to Lucy W. Powell;
 H. R. 18447. An act granting an increase of pension to Elijah G. Gould;
 H. R. 18449. An act granting an increase of pension to Hannah R. Jacobs;
 H. R. 18467. An act granting an increase of pension to Rudolph W. H. Swendt;
 H. R. 18469. An act granting an increase of pension to Samuel C. Dean;
 H. R. 18486. An act granting an increase of pension to William F. Walker;
 H. R. 18505. An act granting an increase of pension to M. Belle May;
 H. R. 18509. An act granting an increase of pension to Ellen L. Stone;
 H. R. 18510. An act granting an increase of pension to Hugh R. Rutledge;
 H. R. 18524. An act granting an increase of pension to Julius Rector;
 H. R. 18539. An act granting an increase of pension to Angeline R. Lomax;
 H. R. 18542. An act granting an increase of pension to Sarah Ann Day;
 H. R. 18551. An act granting an increase of pension to William D. Drown;
 H. R. 18560. An act granting an increase of pension to John Hamilton;
 H. R. 18572. An act granting an increase of pension to Allamanza M. Harrison;
 H. R. 18573. An act granting an increase of pension to John M. Quinton;
 H. R. 18605. An act granting an increase of pension to William Lawrence;
 H. R. 18627. An act granting an increase of pension to Elizabeth A. Anderson;
 H. R. 18628. An act granting an increase of pension to William E. Chambers;
 H. R. 18633. An act granting an increase of pension to Jennie F. Belding;
 H. R. 18651. An act granting an increase of pension to Elizabeth Thomas;
 H. R. 18654. An act granting an increase of pension to Robert D. Gardner;
 H. R. 18655. An act granting an increase of pension to Leander Gilbert;
 H. R. 18678. An act granting an increase of pension to Evans P. Hoover;
 H. R. 18696. An act granting an increase of pension to Louisa C. Gibson;
 H. R. 18697. An act granting an increase of pension to Martha L. Beesley;
 H. R. 18702. An act granting an increase of pension to Edward B. Prime;
 H. R. 18724. An act granting an increase of pension to Alfred Gude;
 H. R. 18730. An act granting an increase of pension to William C. Mahaffey;
 H. R. 18746. An act granting an increase of pension to Isaac Howard;
 H. R. 18747. An act granting an increase of pension to William H. Colegate;
 H. R. 18794. An act granting an increase of pension to William C. McRoy;

H. R. 18795. An act granting an increase of pension to James E. Raney;
 H. R. 18821. An act granting an increase of pension to Eliza Jane Witherspoon;
 H. R. 18822. An act granting an increase of pension to Sophie S. Parker;
 H. R. 18862. An act granting an increase of pension to Joseph H. Weaver;
 H. R. 18887. An act granting an increase of pension to Alexander W. Carruth;
 H. R. 18910. An act granting an increase of pension to Philo E. Davis;
 H. R. 18930. An act granting an increase of pension to Eliza J. Mays;
 H. R. 18935. An act granting an increase of pension to Mima A. Boswell;
 H. R. 18959. An act granting an increase of pension to Albert G. Packer;
 H. R. 18976. An act granting an increase of pension to Nelson S. Preston; and
 H. R. 19001. An act granting an increase of pension to Elizabeth A. McKay.

SOLICITOR FOR CUSTOMS DEPARTMENT OF THE TREASURY.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill (H. R. 15096) to appoint a solicitor for the customs department of the Treasury, and that the same be considered at the present time. I ask that the Clerk read the amendment in the nature of a substitute.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the Attorney-General shall, at the request of the Secretary of the Treasury, appoint a customs solicitor and such assistants not to exceed three, as the Secretary may deem necessary to protect the interests of the United States in all cases and matters before the Board of General Appraisers; and the said solicitor and his assistants shall, whenever so directed by the Secretary of the Treasury, appear in the courts of the United States in any cases appealed from said Board of General Appraisers and take such part in the management, conduct, and trial of such cases as the Attorney-General may deem advisable.

Sec. 2. That the salary of said solicitor shall be \$5,000 per annum, and of said assistants not to exceed \$3,000 per annum, to be fixed by the Attorney-General, and all of said salaries shall be paid out of the general appropriation for the expenses of collecting the revenue from customs.

Sec. 3. That said solicitor and assistants shall be appointed without compliance with the conditions prescribed by the act entitled "An act to regulate and improve the civil service," approved January 16, 1883, and amendments thereof.

Sec. 4. That this act shall take effect immediately.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

Mr. PAYNE. I will explain the bill to the gentleman in a moment. The bill is recommended unanimously by the Committee on Ways and Means. At present under the law passed in 1895 the Attorney-General is authorized to appoint an assistant to take charge of the customs cases before the general board of appraisers at a salary of \$3,500 a year. When the case goes from the board of appraisers to the court it is taken charge of by an assistant district attorney of New York who knows nothing about the case or the history of it. This bill authorizes the appointment of a solicitor of customs who is familiar with cases and will follow the cases through the court on appeal. That is the first section of the bill. It also authorizes the appointment of three assistants at \$3,500 each. Now, these assistants are appointed under the civil service law, and detailed for that purpose. The gentleman can see the embarrassment that ensues in trying to get attorneys appointed under the civil service. The bill makes an annual increase of expenditure of \$3,000 a year, but it requires the attorneys to take charge of the cases on appeal, and it is done by a lawyer who is familiar with the facts of all the cases before the appraisers.

Mr. BARTLETT. I do not want to object to the bill, but I want to inquire what effect it would have on a subject of which we have heard considerable discussion as to the amount of fees collected by the district attorney for the southern district of New York.

Mr. PAYNE. My recollection is that that was cured by salary instead of fees. This bill does not give the solicitor fees, but gives him a salary.

Mr. BARTLETT. I wanted to inquire whether there was a provision in this bill which would repeal or affect the law with reference to the district attorney for the southern district of New York.

Mr. PAYNE. I should say not.

Mr. BARTLETT. You are providing here for special officers to look after these cases with salaries which I do not think are

extravagant, but the attorney for the southern district of New York ought not to be left a salary or fees for doing this work which you are giving to solicitors to do on a salary. I do not know whether this covers that or not.

Mr. PAYNE. I do not think there will be any trouble about that if this bill is passed. The solicitor will take charge of the cases.

Mr. FITZGERALD. That is not the class of cases out of which the district attorney receives fees, if I recollect.

Mr. PAYNE. The gentleman is correct; it does not affect that class of cases at all.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I offered an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert a new section after section 3, to read as follows:

"Sec. 4. That the provision in relation to the employment of counsel in customs cases under section 1 of an act entitled 'An act making appropriations to supply deficiencies for the fiscal year ending June 30, 1895,' etc., approved March 2, 1895, be, and the same is hereby repealed.

"Renumber section 4, to be section 5."

Mr. UNDERWOOD. I would like to ask the gentleman from New York as to the purpose of the amendment.

Mr. PAYNE. The purpose of the amendment is to repeal a provision in an appropriation bill that now provides the Attorney-General may employ counsel before the board. This new office is to take the place of that counsel, and I wanted to be sure to cut off that other officer. That is the only object of the amendment.

The amendment was agreed to.

The substitute amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the votes by which the last two bills were passed was laid on the table.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned to meet to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioner of Internal Revenue submitting an estimate of appropriation for the expenses of the Internal Revenue Service—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16478) providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks, in the State of California, in which are big trees and other natural curiosities and wonders, reported the same with amendment, accompanied by a report (No. 4769); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRINCE, from the Committee on Levees and Improvements of the Mississippi River, to which was referred the bill of the House (H. R. 19812) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River, reported the same with amendment, accompanied by a report (No. 4774); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19814) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes, reported the same without amendment, accompanied by a report (No. 4775); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on the Public Lands, to

which was referred the bill of the Senate (S. 3743) to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona, reported the same without amendment, accompanied by a report (No. 4777); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18429) granting an increase of pension to David Mitchell, reported the same with amendment, accompanied by a report (No. 4678); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19317) granting an increase of pension to Samantha B. Marshall, reported the same with amendment, accompanied by a report (No. 4679); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4690) granting an increase of pension to Andrew J. Slinger, reported the same with amendment, accompanied by a report (No. 4680); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4707) granting an increase of pension to John H. Pitman, reported the same without amendment, accompanied by a report (No. 4681); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4659) granting an increase of pension to John F. Morris, reported the same without amendment, accompanied by a report (No. 4682); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18018) granting an increase of pension to David Evans, reported the same with amendment, accompanied by a report (No. 4683); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6944) granting an increase of pension to David P. Kimball, reported the same without amendment, accompanied by a report (No. 4684); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5846) granting an increase of pension to John M. Chandler, reported the same without amendment, accompanied by a report (No. 4685); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7254) granting a pension to Isom Gwinn, reported the same with amendment accompanied by a report (No. 4686); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2789) granting an increase of pension to Merrill Johnson, reported the same with amendment, accompanied by a report (No. 4687); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1871) granting an increase of pension to Alonzo Cooper, reported the same with amendment, accompanied by a report (No. 4688); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2715) granting an increase of pension to Charles Martine, reported the same without amendment, accompanied by a report (No. 4689); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3338) granting an increase of pension to Lafayette F. Franks, reported the same with amendment, accompanied by a report (No. 4690); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8712) granting an increase of pension to Josiah Hall, reported the same without amendment, accompanied by a report (No. 4691); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9101) granting

an increase of pension to James W. Loomis, reported the same with amendment, accompanied by a report (No. 4692); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8215) granting an increase of pension to Ira Palmer, reported the same with amendment, accompanied by a report (No. 4693); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7719) granting an increase of pension to George Fetterman, reported the same with amendment, accompanied by a report (No. 4694); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7871) granting an increase of pension to Jerome L. Brown, reported the same with amendment, accompanied by a report (No. 4695); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8214) granting an increase of pension to Joseph Slagg, reported the same with amendment, accompanied by a report (No. 4696); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11483) granting a pension to Maria Niles, reported the same with amendment, accompanied by a report (No. 4697); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12667) granting an increase of pension to Charles W. Weber, reported the same with amendment, accompanied by a report (No. 4698); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14257) granting an increase of pension to Fleming H. Freeland, reported the same without amendment, accompanied by a report (No. 4699); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16211) granting an increase of pension to John W. Montgomery, reported the same with amendment, accompanied by a report (No. 4700); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16875) granting an increase of pension to J. K. Hart, reported the same with amendment, accompanied by a report (No. 4701); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16575) granting a pension to Taylor Baits, reported the same with amendment, accompanied by a report (No. 4702); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19067) granting an increase of pension to Thomas J. Smith, reported the same with amendment, accompanied by a report (No. 4703); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19686) granting a pension to Orin S. Rarick, reported the same with amendment, accompanied by a report (No. 4704); which said bill and report were referred to the Private Calendar.

He also, from the same committee to which was referred the bill of the House (H. R. 19926) granting an increase of pension to Andrew Leupold, reported the same with amendment, accompanied by a report (No. 4705); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18227) granting an increase of pension to Catharine F. Fitzgerald, reported the same with amendment, accompanied by a report (No. 4706); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18343) granting an increase of pension to John N. Oliver, reported the same with amendment, accompanied by a report (No. 4707); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19534) granting an increase of pension to Noah Resseguie, reported the same with amendment, accompanied by a report (No. 4708); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19033) granting an increase of pension to Moses S. Rockwood, reported the same with amendment, accompanied by a report (No. 4709); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19062) granting an increase of pension to Joseph Kircher, reported the same with amendment, accompanied by a report (No. 4710); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19389) granting an increase of pension to Lewis Marquis, reported the same with amendment, accompanied by a report (No. 4711); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18545) granting an increase of pension to David Upham, reported the same without amendment, accompanied by a report (No. 4712); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2772) granting an increase of pension to Eli Cero, reported the same with amendment, accompanied by a report (No. 4713); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19359) granting an increase of pension to Levi Brader, reported the same without amendment, accompanied by a report (No. 4714); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19659) granting an increase of pension to Margaret S. Miller, reported the same with amendment, accompanied by a report (No. 4715); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17691) granting an increase of pension to George W. Henrie, reported the same with amendment, accompanied by a report (No. 4716); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19503) granting an increase of pension to David S. Jones, reported the same with amendment, accompanied by a report (No. 4717); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15763) granting an increase of pension to Gainford N. Upton, reported the same with amendment, accompanied by a report (No. 4718); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1148) granting an increase of pension to Marion F. Halbert, reported the same with amendment, accompanied by a report (No. 4719); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19091) granting an increase of pension to Ernst Langeneck, reported the same with amendment, accompanied by a report (No. 4720); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18193) granting an increase of pension to Walden Kelly, reported the same with amendment, accompanied by a report (No. 4721); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18432) granting an increase of pension to David Dirck, reported the same without amendment, accompanied by a report (No. 4722); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19181) to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes, reported the same with amendment, accompanied by a report (No. 4724); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1549) granting an increase of pension to Louis H. Gein, reported the same with amendment, accompanied by a report (No. 4725); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 257) granting an increase of pension to Caleb T. Bowen, reported the same without amendment, accompanied by a report (No.

4726); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 663) granting a pension to Joseph Ellmore, reported the same without amendment, accompanied by a report (No. 4727); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1254) granting an increase of pension to Orlando H. Langley, reported the same without amendment, accompanied by a report (No. 4728); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1422) granting an increase of pension to George L. Wakefield, reported the same without amendment, accompanied by a report (No. 4729); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1936) granting an increase of pension to Lorenzo W. Smith, reported the same without amendment, accompanied by a report (No. 4730); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1976) granting a pension to William N. Dickey, reported the same without amendment, accompanied by a report (No. 4731); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2501) granting an increase of pension to Jessie E. Foster, reported the same without amendment, accompanied by a report (No. 4732); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2566) granting an increase of pension to George H. Rodeheaver, reported the same without amendment, accompanied by a report (No. 4733); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2853) granting an increase of pension to Bridget Quinn, reported the same without amendment, accompanied by a report (No. 4734); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3028) granting an increase of pension to Helen C. Sanderson, reported the same without amendment, accompanied by a report (No. 4735); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3122) granting an increase of pension to Erastus C. Clark, reported the same without amendment, accompanied by a report (No. 4736); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3168) granting an increase of pension to Obadiah Derr, reported the same without amendment, accompanied by a report (No. 4737); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3735) granting a pension to Phebe W. Drake, reported the same without amendment, accompanied by a report (No. 4738); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4047) granting an increase of pension to William Morehead, reported the same without amendment, accompanied by a report (No. 4739); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4318) granting an increase of pension to Henry S. Bennett, reported the same without amendment, accompanied by a report (No. 4740); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4390) granting an increase of pension to Rebecca A. Alexander, reported the same without amendment, accompanied by a report (No. 4741); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4391) granting an increase of pension to Abner R. Barnes, reported the same without amendment, accompanied by a report (No. 4742); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4459) granting an increase of pension to Edwin K. Lamson, reported the same without amendment, accompanied by a report (No. 4743); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4651) granting an increase of pension to Rufus M. Ashley, reported the same without amendment, accompanied by a report (No. 4744); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4961) granting an increase of pension to William Ickes, reported the same without amendment, accompanied by a report (No. 4745); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5038) granting an increase of pension to James Richards, reported the same without amendment, accompanied by a report (No. 4746); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5155) granting an increase of pension to Charles H. Van Dusen, reported the same without amendment, accompanied by a report (No. 4747); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5195) granting an increase of pension to Sidney H. Cook, reported the same without amendment, accompanied by a report (No. 4748); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5262) granting an increase of pension to Frank N. Nichols, reported the same without amendment, accompanied by a report (No. 4749); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5353) granting an increase of pension to Thomas W. Carter, reported the same without amendment, accompanied by a report (No. 4750); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5447) granting an increase of pension to Oliver H. Hibben, reported the same without amendment, accompanied by a report (No. 4751); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5543) granting an increase of pension to William A. Humrich, reported the same without amendment, accompanied by a report (No. 4752); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5598) granting an increase of pension to Almond Greeley, reported the same without amendment, accompanied by a report (No. 4753); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5870) granting an increase of pension to Samuel H. Morrison, reported the same without amendment, accompanied by a report (No. 4754); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5877) granting an increase of pension to Charles O'Bryan, reported the same without amendment, accompanied by a report (No. 4755); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5898) granting an increase of pension to Louisa A. Clark, reported the same without amendment, accompanied by a report (No. 4756); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6006) granting an increase of pension to William H. Crouch, reported the same without amendment, accompanied by a report (No. 4757); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6005) granting an increase of pension to Ellen M. Dyer, reported the same without amendment, accompanied by a report (No. 4758); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6138) granting an increase of pension to Eliza P. Norton, reported the same without amendment, accompanied by a report (No. 4759); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6141) granting an increase of pension to Ransom C. Russell, reported the same without amendment, accompanied by a report (No. 4760); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6154) granting an increase of pension to Edwin Freeman, reported the same without amendment, accompanied by a report (No. 4761); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6155) granting an increase of pension to Samuel H. Davis, reported the same without amendment, accompanied by a report (No. 4762); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6164) granting an increase of pension to Julius S. Cuendet, reported the same without amendment, accompanied by a report (No. 4763); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6168) granting an increase of pension to Calvin Lambert, reported the same without amendment, accompanied by a report (No. 4764); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6192) granting an increase of pension to John Coker, reported the same without amendment, accompanied by a report (No. 4765); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6222) granting an increase of pension to John A. Alden, reported the same without amendment, accompanied by a report (No. 4766); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6240) granting an increase of pension to John G. Fonda, reported the same without amendment, accompanied by a report (No. 4767); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6272) granting an increase of pension to Harvey Gamble, reported the same without amendment, accompanied by a report (No. 4768); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2212) for the relief of John B. Johnson, reported the same with amendment, accompanied by a report (No. 4771); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4205) granting an increase of pension to Amanda W. Ritchie, reported the same with amendment, accompanied by a report (No. 4772); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16856) granting an increase of pension to Joseph McBride, reported the same with amendment, accompanied by a report (No. 4773); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19889) granting an increase of pension to John M. Melson, reported the same without amendment, accompanied by a report (No. 4776); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHANEY: A bill (H. R. 19985) granting a pension to all soldiers and sailors of the war of the rebellion for and on account of their service, and a uniform pension to widows of soldiers and sailors of said war—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 19986) to amend section 730, Revised Statutes—to the Committee on the Judiciary.

By Mr. BEIDLER: A bill (H. R. 19987) providing for the adjustment of accounts of clerks of courts in Indian Territory—to the Committee on Claims.

By Mr. REYNOLDS: A bill (H. R. 19988) granting pensions to soldiers and sailors for certain specified causes since the date of their discharge from the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. CASSEL: A resolution (H. Res. 564) to pay to H. G.

Clement as clerk to the late Representative Adams—to the Committee on Accounts.

By Mr. ELLERBE: A resolution (H. Res. 565) directing the Secretary of Agriculture to furnish to the House certain information upon which he relied for his estimate of June 4, 1906, purporting to be an estimate of the cotton acreage for 1906—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 19989) to remove the charge of desertion from the military record of Henry A. Levake, jr.—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 19990) granting an increase of pension to Susan F. Christie—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 19991) granting an increase of pension to Cornelius D. McCombs—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 19992) granting a pension to Julia T. Baldwin—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 19993) granting an increase of pension to William Sanders—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 19994) granting a pension to Kitty M. Lane—to the Committee on Pensions.

Also, a bill (H. R. 19995) granting an increase of pension to Thomas Oldham—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 19996) granting an increase of pension to Helen D. Rogers—to the Committee on Pensions.

By Mr. HUNT: A bill (H. R. 19997) granting an increase of pension to Hiram K. Hazlett—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 19998) granting an increase of pension to Eunice Cook—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 19999) for the relief of the Methodist Episcopal Church South, of Ringgold, Ga.—to the Committee on War Claims.

By Mr. MOON of Tennessee: A bill (H. R. 20000) granting an increase of pension to Thomas R. Elliott—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 20001) for the relief of Sarah Spaulding—to the Committee on Private Land Claims.

By Mr. McCLEARY of Minnesota: A bill (H. R. 20002) granting an increase of pension to James A. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20003) granting an increase of pension to William Yohn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20004) granting an increase of pension to Isaiah W. Perkins—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 20005) to correct the military record of Daniel S. Kochendorfer—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 20006) providing for reference to the Court of Claims of the claim of Eli Alley's personal representatives for property and stores taken and destroyed by the Federal authorities during the civil war—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 20007) granting an increase of pension to William Birney and twenty-one other officers of the Volunteer Army of the civil war—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 20008) granting a pension to Caroline A. Smith—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 20009) for the relief of John D. McLain—to the Committee on War Claims.

By Mr. PUJO: A bill (H. R. 20010) granting an increase of pension to Samuel H. Whatley—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 20011) granting an increase of pension to John T. Criswell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20012) granting an increase of pension to Lourra V. Bowers—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 20013) to authorize the allotment to J. Morris Cook of his proportionate share in any of the land of the Grande Ronde Reservation, formerly belonging to the Umpqua tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. SMALL: A bill (H. R. 20014) for the relief of Abner Gibson—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of railway employees in South Carolina, in form of telegrams, against the antipass amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Maine: Petition of Addie Estella Farwell and 20 others, Daughters of the American Revolution, in Maine, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. ALLEN of New Jersey: Petition of citizens of New Jersey, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of Wholesale Liquor Dealers' League, against bill H. R. 18895, relative to tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Municipal Art Society, of Baltimore, for national advisory board of art experts—to the Committee on the Library.

Also, petition of Rev. Jesse L. Colton, for various measures in legislation affecting the moral status of the nation—to the Committee on Alcoholic Liquor Traffic.

By Mr. BARTHOLODT: Petition of hundreds of residents of the Tenth, Eleventh, and Twelfth Congressional districts of St. Louis, for the interposition of the Government of the United States in the administration of affairs of Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Robert Mayfield—to the Committee on Pensions.

By Mr. BEIDLER: Paper to accompany bill for relief of Charles A. Davidson—to the Committee on Claims.

By Mr. BOWERSOCK: Petition of citizens of Ottawa, Kans., asking investigation of conditions in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BURKE of Pennsylvania: Petition of Wholesale Liquor Dealers' League, against bill H. R. 18895, relative to tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Municipal Art Society, of Baltimore, for a national advisory board of art experts—to the Committee on the Library.

Also, petition of Chicago Federation of Labor, for anti-injunction legislation (Pearre bill—H. R. 18752)—to the Committee on the Judiciary.

By Mr. DAWSON: Protest of Brotherhood of Railway Trainmen, of Des Moines, Iowa, and resolutions of Order of Railway Conductors, against adoption of conference report on rate bill prohibiting the granting of passes—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Resolution of Chicago Federation of Labor, in favor of bill H. R. 18752—to the Committee on the Judiciary.

Also, petition of Chicago Federation of Labor, for legislation prohibiting judges from granting injunctions in labor disputes—to the Committee on the Judiciary.

Also, petition of Wholesale Liquor Dealers' Association, against passage of bill H. R. 18895—to the Committee on Ways and Means.

Also, petition of executive directors of the Chicago Commercial Association, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Municipal Art Association of Baltimore, for a national advisory board of art experts—to the Committee on the Library.

By Mr. FULLER: Petition of Order of Railway Conductors, of Freeport, Ill., against amendment to rate bill prohibiting passes to railway employees and friends—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. Foster Bain, State geologist of Illinois, for appropriation for United States Geological Survey—to the Committee on Appropriations.

Also, petition of Illinois Federation of Women's Clubs, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Wholesale Liquor Dealers' League, against bill H. R. 18895, relative to tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Chicago Federation of Labor, for anti-injunction legislation (Pearre bill—H. R. 18752)—to the Committee on the Judiciary.

Also, petition of Municipal Art Society of Baltimore, for a national advisory board of art experts—to the Committee on the Library.

Also, petition of A. N. Fraser, for various measures in legislation affecting the moral status of the nation—to the Committee on Alcoholic Liquor Traffic.

By Mr. HAYES: Petition of Amalgamated Association of Street Railway Employees of America, of San Jose, Cal., protesting method of arrest and extradition of Charles Moyer, W. D. Haywood, and G. A. Pettibone—to the Committee on the Judiciary.

Also, petition of San Francisco Labor Council, for passage of the anti-injunction bill (H. R. 18752)—to the Committee on the Judiciary.

By Mr. HOWARD: Paper to accompany bill for relief of heirs of John Billups—to the Committee on War Claims.

By Mr. LACEY: Protest of employees of Iowa Central Railway Company, against adoption of conference report on railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEE: Paper to accompany bill for relief of trustees of Pine Chapel Methodist Episcopal Church South, of Gordon County, Ga.—to the Committee on War Claims.

By Mr. LINDSAY: Petition of R. J. Caldwell, New York, for a clause in the meat-inspection bill providing for the injection of kerosene into condemned carcasses—to the Committee on Agriculture.

Also, petition of 42,000 women, delegation of Federation of Women's Clubs, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. Reise F. Alsop, Rev. Louis Oscar Rotenbach, Rev. Walter F. Prince, Rev. Cleland B. McAfee, and Rev. W. J. Hutchins, for the Tirrell bill, relative to sale of intoxicating liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LORIMER: Protest of 400 members of Division No. 456, Brotherhood of Railway Trainmen, against adoption of railway rate bill prohibiting passes—to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry W. Harder, master of Lodge No. 237, against antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MCCARTHY: Petition of E. A. Gerrard and J. H. Lohmann, for amendment of postal laws and regulations making legal all newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. MCKINLEY of Illinois: Petitions of G. E. Robinson, Mattoon, Ill.; C. W. Smuggs, J. W. Brant, S. G. Brecount, E. J. Wilkins, J. F. Ryall, John Rodems, Walter Romick, J. R. Dempster, D. R. Talbott, J. N. Edwards, S. E. Callahan, George Schilling, L. E. Fulmar, J. W. Braddock, J. B. Fosnaught, E. E. Fair, T. C. Russell, Decatur, Ill., against passage of conference amendment to rate bill prohibiting issuance of passes to railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of convention of Congregationalist churches held at Racine, for Sunday closing of Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. PAYNE: Paper to accompany bill for relief of Charles Van Ostrand—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Petition of 600 citizens of Tyrone, Pa., for law prohibiting sale of intoxicants in all public buildings of United States—to the Committee on Alcoholic Liquor Traffic.

By Mr. SHACKLEFORD: Paper to accompany bill for relief of Hiram M. Smith—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Petition of W. T. Gass and R. P. West, for amendment to post-office laws and regulations making legal all paid newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of John D. McLain—to the Committee on War Claims.

By Mr. SULZER: Petition of Clayton F. Summy Company, against amendment to copyright law permitting rental of work copyrighted—to the Committee on Patents.

SENATE.

WEDNESDAY, June 6, 1906.

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

— HOUR OF MEETING TO-MORROW.

Mr. HALE. Mr. President, in view of the funeral of the late Senator from Maryland to-morrow, I move that when the Senate adjourns to-day it be to meet at 2 o'clock to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 13917. An act to remove the charge of desertion from the military record of Robert W. Liggett; and

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 2418. An act to enable the Indians allotted lands in severally within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes;

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges;

S. 4862. An act allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash; and

S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 7099. An act to amend section 2871 of the Revised Statutes;

H. R. 14975. An act amending chapter 863, volume 31, of the Statutes at Large;

H. R. 15096. An act to appoint a solicitor for the customs department of the Treasury;

H. R. 15442. An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States;

H. R. 16290. An act to postpone until 1937 the maturity of \$250,000 of 4 per centum United States bonds held in trust for the benefit of the American Printing House for the Blind;

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.;

H. R. 16946. An act releasing the right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Cal.;

H. R. 17455. An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.;

H. R. 17510. An act to provide for a reconnaissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula in Alaska, and for other purposes;

H. R. 17881. An act permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota;

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 18854. An act providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district;

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes;

H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.;

H. R. 19606. An act to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga.;